RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

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1752-1753

MICROFILMED ·
BY
· WM. L. MCDOWELL

B. P. R. O. So Carolina B. T. Vol. 16 K. 79
(1 Jan. 1752.)

To the Right Honoble The Lords Commissioners for Trade and Plantations.

My Lords,

In pursuance of Your Lordships Comands Signifyed to me by Mr. Hills Letter wherein you are pleased to desire my Opinion in Point of Law upon the Following Acts passed in South Carolina in June 1749 I have Perused and Considered the same (vizt.)

1. An Act to prevent Frauds in making Packing and Exporting Indico. This Act is founded upon An Act of Parliament passed the 21st Year of His present Majesty and adds some Penaltys to prevent Frauds in the Execution of that Act within this Province.

2. An Act for raiseing and Granting To his Majesty the Sume of £48481:1s:2d and applying the Sume of £3536:15s:4d (being the Ballance in the Fund Appropriated for the Payment of the Salarys of the Clergy) making together £51,944:16s:6d For Defraying the Charges of the Government For one Year Comencing from the 25th day of March in the Year of Our Lord 1748. Inclusive and Ending the 25th day of March 1749. Exclusive

Exclusive and for discharging One Moiety of the Debt Incurred for the Defence of the Coasts and Protection of the Trade of this Province.

3. An Act to Prevent the spreading of Infections and Contagious Distempers in Charles Town.

4. An Ordinance for appointing a Comptroller of the Country Dutys and Treasurer for the Port of George Town Winyaw and a Comptroller of the Country Dutys and a Treasurer for the Port of Beaufort Port Royall.

I have Perused and Considered these Acts and have no Objections thereto In Point of Law and am My Lords

Lincolns Inn
10 January 1752.

Your Lordships
Most Obedient
Humble Servant
Mat: Lamb

Recd. Jan 21st } 1752
Read apl 5th } 1754

B.P.R.O. So Carolina B.T. Vol. 16. K.35.

So Carolina Jany 29th 1752.

My Lords

I have enclosed a List of the Shipping that have cleared from the Port of Charles Town from Christmas 1750 to Christmas 1751 distinguishing whether bound, with the amount of the Tonage and Number of Men, but the Tonage is taken from the Registers, which is generally one fourth less than the real amount. I also send your Lordships an account of our Produce exported from this Port from the 1st of November 1750 to the 1st of November 1751. The several Articles are alphabetically digested so that your Lordships may readily turn to any particular Article, and the kinds quantitys, rates and total amounts are set down. I also transmit to your Lordships the Journals of the Council and Assembly and also the several Laws passed last Session wth observations upon them and my reasons for passing them, but I hope your Lordships will not imediatly lay these Laws before His Majesty for his approbation or disallowance as a little time generally shows that many of our Laws need alterations, which I apprehend cannot be so easily done

done after His Majesty has confirmed them.

The Indian Affairs this last Year have required the closest attention and Your Lordships shall have a full Account of them in a separate Letter and all the papers relating to them, which are very numerous, and merit Your Lordships ser-ious consideration, shall be transmitted at the same time.

I am with great respect
My Lords
Your Lordships
most Obedient and
most faithful Servant
James Glen.

P.S. I must pray that Your Lordships will have the goodness to recommend John Drayton Esqr to succeed Isaac Holmes deceased as one of the Council.

Recd June 25th } 1752.
Read July 3rd }

(Enclosure.)

(Enclosure) K. 36.

An account of the Number of Ships & vessels with their Tonage and Number of Men that clear-ed out in the Port of Charles Town So Carolina from the 25th of December 1750 to the 25th December 1751.

	Ships & vessels	Tons	Men
For Great Britain	96	10264	1034.
For British Islands in America	81	2294	503.
For the British Continent in America	57	1896	292.
For Ports in Europe Soward of Cape Finisterre	26	2900	289
For the Bay of Honduras	4	299	36
For St Augustine	1	20	5.
	265	17673	2159.

also enclosed.

An Account of the Goods Exported from Charles Town of the Produce of South Carolina from the 1st November 1750 Inclusive to the 1st November Exclusive, & the supposed value thereof.

Recd with Govr Glen's Letter dated ye 29th Janry 1752.

Recd June ye 25th } 1752 K. 37.
Read July 3d }

and

and

Copy of the Deed of Sale by the Cherokee Indians

Dated ye 12th of Febry 1746.

Recd with Govr Glen's letter dated the 29th of January 1752.

Recd June ye 25th } 1752. K. 37
Read July 3d }

K. 38 Enclosure to K. 35.

1. An Act appointing Commissioners to build a new bridge over Pon Pon River &c and
2. An Act for establishing a ferry from the Plantation of Colo Samuel Prisleau &c passed the 24th day of April 1751

are private Acts for the convenience of Travellers.

3. An Act to appoint and establish new Lists of Jurymen to be drawn by Ballot in this Province, and to empower the Courts of Law to draw Jurors in Cases therein mentioned. Passed the 4th day of May 1751.

It being seven years since the last Lists of Jurymen were made many of the Persons therein named were dead, others departed from the Province, and others attained the age

age which exempted them from the Jury service, whereby the number remaining in the lists were become too few for the Service, and a greevous burthen upon the Persons. This Law was therefore passed to remedy the inconvenience according to the directions of an Act passed the 20th day of August 1731 intitled An Act for confirming and establishing the ancient and approved method of drawing Juries by Ballot in this Province — &c.

4. An additional Act to the several Acts of the General Assembly now of force in this Province which relate to insolvent Debtors &ca.

5. An Act to prevent the too frequent Sales of Goods &c by Public Auction or outcry in Charles-town &ca. and

6. An Additional Act to an Act for keeping the Streets in Charles Town clean &c passed the 14th day of May 1751.

The reasons are contained in the Preamble to these Acts.

7th An Additional and explanatory Act to an Act for the better ordering and governing Negroes and other Slaves in this Province &ca Passed the 17th day of May 1751.

Some

Some of the Provisions made by the former Law were found inconvenient and in some instances, too severe upon the slaves and further provisions being necessary to be made, particularly against the Crime of Poisoning (very frequently of late committed by the Slaves) were the Reasons for passing this Law.

8. An Act for amending an Additional and explanatory Act to an Act intituled an Act to empower the several Commissioners of the High Roads &c

9. An Act for the better restraining Seamen from absenting from their service &c passed the 17th day of May 1751.

Reasons in the Preambles.

10. An Act to incorporate the South Carolina Society, the 17th day of May 1751

passed with a saving Clause

11. An Act for the better strengthening of this Province by granting to His Majesty certain Taxes and Impositions on the Purchasers of Negroes & other Slaves imported and for appropriating the same to the uses therein mentioned and for granting to His Majesty a duty on Liquors and other Goods and Merchandize for the uses therein mentioned &c

passed

passed 14 June 1751.

The former Law (passed the 5th day of April 1750) for these purposes and several subsequent Laws imposing Duties for the public Service were expired or near expiring. This Act imposes no additional duty: but as the Assembly were at last prevailed on to agree to erect a public building for the meetings of the general Assemblys holding Courts of Justice & it was thought more expedient to comprise all the duties & appropriate the same in one Law than to revive & continue several Laws imposing Duties upon the same Articles for different services.

If it be necessary to point out the difference of the applications of the Moneys arising by this Law from the former Laws. The former general Duty Law applyed only two third parts of the net sum arising by the Tax on the purchasers of Negroes imported to the use of Foreign Protestants coming from Europe to settle in this Province and the other third as should be directed from time to time by the General Assembly.

This Law applies four fifth parts of the said Neat Sum to the use of Foreign Protestants

and

and the other fifth to encourage the building of ships.

This Law applies £4000 ₱ Annum for building and repairing the Fortifications in this Province, £2500 ₱ annum for building a State House £1500 ₱ Annum for building a Church and £200 ₱ annum for building a Parsonage House in Charles Town. The other applications are the same as in the former Law.

12. An Act to revive and continue the several Acts of the general Assembly of this Province therein mentioned &c passed the 14th day June 1751

13. An Act for dividing the Parish of St. Philip Charles Town and for establishing another Parish in the said Town by the name of the Parish of St. Michael and for appointing Commissioners for the building of a Church and a Parsonage House in the said Parish and appointing one Member more to represent the Inhabitants of the said Town in the general Assembly of this Province and for ascertaining the number of members to represent the Inhabitants of the said Parishes respectively in the said Assembly &ca passed the 14th day of June 1751.

The necessity for dividing this Parish & building

building a Church appears from the Preamble to this Act.

This is the first Act that was ever passed in this Province wherein Commissioners were appointed for the Execution of any work, and the moneys applied for the Service directed to be issued out of the Public Treasury by the Governours Warrant.

The Members to represent the People of this Province of the General Assembly are not sent from the Counties, Citys, Boroughs &c as in other parts of His Majesty's Dominions but from the several Parishes, and therefore ever since the passing of the Act on the 20th of September 1721, commonly called the Election Act, when any Law has been passed for dividing a Parish &c Establishing a new Parish to prevent any disputes that might arise concerning the sending of Members to represent such Parishes in the general Assembly, tho have been obliged sic to ascertain the number of Members to be sent from each Parish by such Law, and have constantly augmented the Number, tho never before now mentioned in the Title of any such Law For instance

An Act for erecting the Settlement at Winyaw in Craven County into a distinct Parish from

St

St James's Santee in the said County passed the 10th day of March 1721 before which St James's Santee with Winyaw sent but two Members, and since the passing of this Act St James Santee continues to sent two Members and the other Parish called Prince Georges sends two Members more, And

An Act for dividing the Parish of St Pauls in Colleton County and Prince George Winyaw in Craven County was passed the 9th day of April 1734 before the passing of this Act Prince George sent no more than two Members and the new Parish Prince Frederick sends two more. The Parish of St Paul sent four Members only and now sends three Members and the new Parish (St John, Colleton County) sends three Members.

An Act to divide St Helen's Parish and to erect a separate and distinct Parish in Granville County by the name of Prince William and to ascertain the Bounds thereof was passed the 25th day of May 1745 which Parish sent four Members and now sends three Members and the new Parish (Prince William) sends two Members and another new Parish part of St Helena established by the name of St Peter on the 17th day of February 1746 sends

sends one member more.

The Inhabitants of the Parish of St. Philip Charles Town pay one Fifth part of the Provincial Tax and are by far the most numerous and opulent Parish in the Province yet upon this Parish being divided they are to send but one member more to the Assembly. The Inhabitants of St Helena Prince William and St. Peter who now send Two members more than they did at first do not pay one sixth part of the Tax paid by the Inhabitants of St. Philip Charles Town.

By the Election Law of 1721 Thirty Six members were to represent the whole Province and not less than nineteen can make a House or proceed upon Public Business. It is very in-convenient and expensive to the Planters who live at any distance from Charles Town to serve in the General Assembly and therefore few of them are willing to undertake that Service and by reason of so great a Majority as Nineteen the Public Busi-ness has been often retarded and notwithstanding that there has been an addition of eight Members to the numbers appointed by the Act of 1721 yet such has been the backwardness of the Jurors ready to

to serve in the General Assembly that for want of Nineteen meeting at the usual place in order to qualify pursuant to Writs issued in 1748 the Governour after waiting several Weeks for their Meeting was obliged to dissolve that Assembly + issue new Writs for another General Election. And there has not been a new Assembly for this fifteen year passed, but several days have been spent before a sufficient number could be got together to make a house. From whence it may be concluded that the having a greater number of members in the Assembly must tend to the dispatch of the Publick Business.

14. An Act for granting to His Majesty the sum of £25000 for the Building of a State House in Charles Town &ca passed the 14th day of June 1751.

15. Tax Act.

16. An Act to prevent private Lotterys the reasons appear in the Preamble.

B.P.R.O. So Carolina B.T. Vol. 16. K.5.

(6 Feb. 1752)

My Lords,

By order of the Lords Commissioners of his Majts Treasury I herewith transmit to you a *Memorial of James Crokatt Agent for his Majts Province of South Carolina praying that a sum of 3000£ may be issued to him out of the Publick money here to be invested in Presents for the Indians bordering on that Province and Georgia. My Lords desire your Lordships Mr Secretary at Warr being present will please to take the said Me-morial into your consideration and favour them with your joint opinion thereupon.

I am with great regard

My Lords

Treasury Chambers
6th February 1752.

Your Lordships most
faithfull humble
Servant
J. West

Lords of Trade & Plantations

Recd Feby ye 6th }
Read — 20th } 1752.

* A duplicate of this Memorial dated 14 Nov. 1751, has already been copied under that date (A & W. I. Vol. 629.) The copy inclosed in this letter is dated 22 Jan. 1752.

B.P.R.O. So Carolina B.T. Vol. 16. K. 6.

Whitehall 7th February 1752.

My Lords.

Captain Charles McNaire of South Carolina, in America, having presented to me a Petition (together with two other Papers therein referred to) setting forth, that he did in the year 1747, at the Request of the Governor of that Province, & at his own Risque & Expence undertake to gain over a considerable Body of the Chactaw Indians to the British Interest from that of the French, in which they were then engaged, & the said Mr. McNaire declaring that he happily succeeded in this undertaking, by the means of several valuable Presents, & of a Supply of Arms, Ammunition &c. &c amounting to an Expence of £1700 for the use of the said Indians, & the assembly of South Carolina, having from a Belief of the within mentioned Facts, recommended the case of the said McNaire, His Majesty has been pleased to Command me to transmit to your Lordships the several Papers relating to this Case, in order that you may take the same into your Consideration, & report your Opinion as to the Nature and Degree of

17

of Recompence, that may be reasonable for the Services performed by the said Captain McNaire in America.

I am

Board of Trade.

My Lords
your Lordships
most Obedient
humble Servant
Holdernesse.

Recd Febry 7th } 1752.
Read — 20th }

B.P.R.O. So Carolina B.T. Vol. 16. K. 7. (inclo. to K. 6.)

To the Kings most Excellent Majesty
The Humble Petition of Captain Charles
Mc Naire of South Carolina in America.

Sheweth. –

That your Petitioner did in the year 1747 at his own risque and expence at the request of the Governour of South Carolina travell among the Choctaw Indians in order to establish a Trade with them, and to induce them to separate from the Interest of the French, and enter into a Friend-ship with the English Nation.

That your Petitioner made two tedious journeys among these Indians of about one thou-sand Miles each, in his first attempt had not much success; But in the second he so happily succeeded that the whole Nation consisting of about ten Thousand Men publickly declared for the English; and remain their Friends to this Day.

That your Petitioner having been at vast Expence, during these Expeditions, in making Presents to the Indians, and furnishing them with Arms, ammunition, Cloaths &c caused them to go to War against the French at New Orleans & Movillo besides other

other great losses, did on his Return from this signal Service, apply to the Government of South Carolina for the Reimbursment of his Expences, amounting to about one thousand & seven hundred Pounds ster-ling; which Demand was laid before the Assembly of the Province, who examined into it, and certifyed the same under the seal of the said Province to be just. But in regard that your Petitioner's service tended to the Advantage, & safety of other your Ma-jesty's Colonies in America, they did not think pro-per to subject themselves to the sole charge thereof; but ordered your Petitioner a Trifle to bear his Charges to England & recommended him to James Crokatt Esqr. their Agent in London; ordering him to recommend your Petitioner's Case to your Majesty.

To which Report of the said Assembly & the Letter sent by them both hereunto annexed your Petitioner humbly refers.—

That your Petitioner in consequence of such recommendation, did come over to England to have his case laid before your Majesty, where he has attended two Years without success to the great Detriment of his Affairs & Family.

Your Petitioner therefore humbly prays your

your Majesty, to take into your Royal Consideration the Service done by your Petitioner, to your Majesty's Colonies in America, & to the Commerce of Great Britain; and to give such Directions for the Repayment of your Petitioners Disbursements on the said Expeditions, & to order such Recompence for his Personal Risque, & Trouble, as the Importance of that Service in your Majesty's great Wisdom, & Justice may merit.

And your Petitioner shall ever Pray &c

23rd May 1749 An Extract of the Report of the Committee to the House of Assembly in South Carolina on the Petition of Captain Charles McNaire, and the Resolution of the said House thereon

That the said Charles McNaire was principally instrumental by Courage, & Address, and Address, & good Conduct, in bringing over the Choctaw Indians to the British Interest. That the Choctaws are the most numerous Tribe of Indians that border on the British Continent; and were heretofore wholly in Alliance with the French, about Moville, & New Orleans; That they were of Opinion that the procuring the Revolt of the said Indians, from the French,

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French, to the British Interest, was of great service, not only in promoting the British Trade, but also as it greatly tended to the Security & Peace of his Majesty's Subjects in those Parts of America

That they found, that the said Charles Mc naire had expended Presents, to the said Indians, in promoting that good Service, to the Value of £7048:5. currency, and has also sustained a Loss (being plundered by those Indians who continued in the French Interest) besides the Presents aforesaid, to the Value of £4700, currency, But as the Service of the Petitioner, tended to the use & security of other Colonies, as well as that, & there was no special Engagement from the Legislative Body of that Pro-vince, to Defray his Expences or Losses in that Undertaking, they were of Opinion that there was no Foundation, that his said Expences & Presents, & the Burthen of his Losses shou'd be a Charge to that Province, for that his Services shou'd be recommended and submitted to his Majesty's Royal Consideration. But the Committee were of Opinion, that tho' such Instance of Services cou'd not properly ground a Demand for the Peti-tioner on the Publick there; That yet the Petitioner

was

was intitled to some acknowledgement on the part of the Province, & they recommended that £1000 currency shou'd be given the Petitioner as a Token of his Service, being well accepted by the Province.

Upon which Report it was Unanimously resolved by the House that £1000 should be inserted in the Estimate for the Petitioner for his service, in bringing over the Chactaw Indians to the British Interest, & to assist him in applying to his Majesty's Ministers for a Reward for that Service. And that Instructions should be given to the Committee of Correspondence to direct their Agent at London to give the Petitioner all the assistance in his Power, in his application to his Majesty for a Re-ward or Consideration for the same.

Copy.

Sr

The Bearer hereof is Mr Charles McNaire the Person mentioned in the Journals of the Commons House of Assembly, a Copy of which is here inclosed to you; We are ordered by the House to recommend him to your Aid & Interest In his sollicitting with the ministry that some recompence be made him for his

his Services in bringing over a great part of the Chactaw Indians to the British Interest & Subjection

* The Inclosed papers certified by the Clerk of the Commons House of Assembly are a transcript of the Journals of that House on his Petition, whereupon a Committee being appointed to examine the Truth of the Allegations his Services appeared very Conspicuous & Considerable.

His Humanity in ransoming a young French Lady (whom the Chactaw Indians took Prisoner & who is now here) has given him a great reputation among our late Enemies at Moville & New Orleans notwithstanding the mischieveous effects they felt from his Influence.

His Papers we presume will so fully explain his Case that we need not trouble you with any further Account of his Merit & Services, other than we have known him for several years past, & his behaviour being always what became the discreet, Sensible & worthy man; we should be greatly pleased to find his sollicitation prove successfull that he may be enabled, & we know no man better qualified, to perfect the revolt of that Tribe of Indians, whereby their Amity may be

* These papers have not been copied.

be secured & the British Trade enlarged — We are
Sr Your most obedient humble Servts

Chas. Town
Sept. 15. 1749

(signed) John Dart
Benja Smith
Jordan Roche
Andrew Rutledge
George Austin
Ja. Graeme
James Irving

To James Crokatt Esqr. Agent
for the Province of So. Carolina

London 5 Dec. 1751

The within is a True copy of the Letter sent to me by a Committee of the Assembly of South Carolina & Recd. 8 Jany 1749/50 wch I now Certify at the desire of Mr. Charles McNaire.

James Crokatt
agent for the Province of
South Carolina

N.B. The Papers referred to in the Letter ℘ Contra came under the Great Seal of the Province and are now in the Custody of
James Crokatt agent for S.C.

B.P.R.O. So Carolina B.T. vol. 27. p. 303.

(13 Feb. 1752.)

To Matthew Lamb Esqr.

Sir,

I am directed by My Lords Commission-ers for Trade and Plantations to send you the inclosed Act passed in the Province of South Carolina the 17th of May 1751, to incorporate the Society commonly called and known by the name of the South Carolina Society, and to desire your Opinion upon it in point of Law as soon as conveniently may be.

I am

Sir

your most obedient Servant

(signed) Thos Hill.

Whitehall
Feby 13th 1752

B.P.R.O. So Carolina B.T. Vol. 27 p. 305.

(19 Feb. 1752)

To Matthew Lamb Esqr

Sir

I am directed by my Lords Commissrs for Trade and Plantations to send you the Eight inclosed Acts passed in the Province of South Carolina the 16th of March 1749/50 and the 31st of May 1750 & to desire your opinion upon them in point of Law as soon as conveniently may be

I am

Sir

Whitehall
Febr 19th 1752

Your most obedient Servant
(signed) Thos Hill

B. P. R. O. So Carolina B. T. Vol. 16. K. 12.

To the Right Honourable the Commissioners of Trade & Plantations.

My Lords,

Your Lordships having ordered me to lay before you such Papers as are in my Possession concerning the Affidavit made by Samuel Vening at the Governors of South Carolina Request relating to my Conduct in the Chactaws: I have here annexed,

1. A Letter from Mr Matth. Roche, Merchant in Charles Town in South Carolina to me dated May 30. 1750 containing the Remarks of the Council of South Carolina upon Samuel Venings Affidavit and of the Governors Proceeding with the Assembly.

2. A Letter from Mr William Pinckney, Secretary of the Province of South Carolina & Commissioner of the Indian Trade, dated at Charles Town April 1. 1750 relating to the Governors Proceedings to invalidate the Service I have done in bringing over the Chactaw Indians to the British Interest.

3. Another Letter from the said Mr Pinckney dated May 18. 1750 relating to the same Purpose, particularly with Regard to the Governors inducing

Samuel

Samuel Vening to make an Affidavit against me, which, as said above, appeared to the Council to be false. Though the name of the said Mr. Pinckney is tore from the last Letter at the Gentleman's own Request, it will appear to be his own by comparing it with the Letter No 2.

* I humbly hope, Your Lordship will by these additional Proofs be further convinced of the Injustice done me by the said Governor, and in Consideration of my great Losses and long attendance be pleased to forward your Representation

Your Lordships
most obedient and
most humble Servant
Chas. Mc Naire.

*(In the Margin) 4. Governor Glen's Warrant to Mr. McNaire to publish a Proclamation amongst the Indians.

Papers already delivered at the Board,

1. The original Report under the Seal of the Province & signed by the Governor, concerning my having brought over the Chactaw-Indians.

2. A Letter from the Committee of Correspondence to Mr. Crokatt, confirming the same & recommending me

me to his assistance for being Rewarded.

3. Mr. Roche's and Mr. Mc Naire's Affidavit concerning the Promises made to the latter by the Governor, for having his Expences &c reimbursed.

4. A Letter from the Governor to Mr. MacNaire recommending to him to use his utmost Endeavours to bring over the Chactaw Indians, directed to him, when amongst the Chactaws.

5. A Copy of a Letter from Mr. Freeman the Secretary of the Province to Benjamin Whitaker Esqr. late Chief Justice of South Carolina, setting forth the attempts of the Governor to deprive Mr. Mc Naire of the Merits in bringing over the Indians. N.B. Mr. Freeman is now present in London.

6. A Paragraph of a Letter from the Committee of Correspondence of North Carolina to Mr. Abercrombie, their Agent concerning Mr. Mac Naire's Colonies by bringing over the Chactaw Indians.

Recd.
Read } March 18th. 1752.

Enclosures.

A Letter from Wm. Pinckney to Mr. Mc Naire dated Charles Town April 1st. 1750.

a

A letter from Wm. Pinckney to Mr. McNaire dated 12 a'clock at Night May 18. 1750.

A letter from Mr. Matth. Roche to Mr. McNaire dated Charles Town 30th May 1750. containing Remarks of the Council upon Samuel Vening's Affidavit.

B.P.R.O. So. Carolina B.T. Vol. 17. K. 45.

So. Carolina February 1752.

My Lords,

I am under the greatest concern least the Letters that I have wrote to Your Lordships, and the many papers that I have transmitted should not have been safely delivered, as I have not been honoured with an Answer to any that I have sent for two years past, in which period of time, I have sent over the Journals of the Council and Assembly, The Laws, with my observations upon them, and reasons for passing them, an account of the Boundaries of this Province, with the Encroachments that have been made by the subjects of any Foreign Prince, an Estimate of the Value of the Province, Lists of the numbers of Shipping, the number of men and amount of the Tonage and whither bound, Accounts of our Exported Produce, and the value thereof, distinguishing the kind quantity and Rate, Account of the Indico shipd off from this Province, state of the Township Funds, Accounts of Our Indian Affairs Some of my Packets to Your Lordships, I delivered in the Care of Captain Wray Commander of His Majesty's Ship Rye, who sailed from hence in October 1750, others

others were delivered to the care of Mr. Evance a con-
-siderable Merchant here, afterwards in partnership
with Alderman Baker, and others by Capts. of ships
that I thought I could trust, but as I have received
no letter from any of them, acquainting me of their
having delivered my Dispatches, I am apprehensive
that some of them may have miscarried, and I
have too great reason to fear that there are people
in this Province who shew little Regard to the
sacredness of a Seal, and whose curiosity frequently
leads them to look into Letters and often to detain
them. I have received the Triplicate of a letter from
the Secretary at War, when I had never received either
the Original or Duplicate, some letters sent to me by
Governor Clinton I have never received and Govr.
Gooch has complained to me that my letters to him
were broke open before they came to his hands, how-
-ever I have within the above period of time been
honoured with your Lordship's commands, in a
Letter dated the 15th of November 1750, and I am in
great hopes that if the several answers which I
wrote to that letter have been laid before Your
Lordships, they will give you satisfaction. I send
by this conveyance the Journals of the Council and
also

also the Journals of the Assembly for the last year, and the Laws passed last Session, together with my observations on them.

Rice has bore so high a price for some years past, that the Planters have entirely neglected Cultivating Indico, there have already been exported this year above 80,000 Barrels, the barrel is commonly computed to 550 wt and the price of it for some Months past has been 50/ £3 and £3.5.0 this Currency ℘ hundred, however as we were sensible that such great demands are casual, many of the Inhabitants this year have planted Indico for seed intending against next Season to go upon it, well knowing that they can hardly ever glut the market with that Commodity.

Agreable to Your Lordship's directions I endeavoured to spirit up several Gentlemen to the Culture of Silk as the White Mulberry Tree grows not more freely in any part of the Earth than in this Province, nor can any Climate be better adapted to the Nature of the Silk-worm, nor is the Silk of any Country preferable to ours, but I am affraid without some small bounty upon it, no great quantity will ever be raised in this Province till it

it be more Populous.

The infinite numbers of People in China, and the East Indies, and in Turkey makes Labour cheap & even in Italy and the South of France, the Peasants live low, and consequently can afford to work for little, a lesson hardly ever to be learned by an Englishman, both Industry and Frugality are necessary in Holland where there are more People than Acres of Land, but here, where a man may have hundreds of Acres, producing with little labour whatever is necessary for life, or where he may support himself in Idleness a whole week by the work of one day, 'tis difficult to persuade them to try new Experiments, tho' indeed the Culture of Silk can hardly be called so, as many familys for their diversion have raised some pounds a year for many years past

I am with great respect
My Lord, Your Lordships
Most Obedient & Most
Humble Servant
James Glen.

P.S. As I had the Honour before to mention, there never were Iron works of any sort in this Province, neither of Pig or Bar Iron nor any Mill, Engine, Forge or Furnace whatsoever, and

and if any such should be erected I shall cause the same to be abated.

Rec^d Octob^r ye 26th } 1752.
Read Novr 10th }

B P R O Journals B T Vol 60.

Whitehall 20th February 1752

At a Meeting of His Majestys Commrs for Trade & Plantation

Present

Earl of Halifax

Mr Pitt, Lord Dupplin, Mr Grenville Mr Oswald

. . . .

Read a Letter from Mr West Secretary to the Lords of the Treasury dated the 1th instant referring to the Consideration of this Board the following Memorial vizt

Memorial of Mr James Crokatt Agent for the Province of South Carolina to the Lords Commissrs of the Treasury praying for a Sum of £3000 to be invested in Presents for the Indians bordering on that Province the 22nd of January 1752.

The Secretary having informed their Lordships that His Majestys Secretary at War who is joined with this Board in the abovementioned Reference was at the Bath, the Consideration thereof was postponed untill his Return to Town.

. . . .

Read a Letter from the Earl of Holderness dated the

the 7th instant referring to the Consideration of this Board.

The humble Petition of Capt Charles Mc Naire of South Carolina to His Majesty praying to be reimbursed a Sum of Money he has expended in gaining over a considerable Body of the Chactaw Indians to the British Interest, as also an Extract of the Report of the Committee of the Assembly of South Carolina recommending the same.

Ordered that the said Letter and Petition be taken into Consideration on Wednesday next and that the Secretary do write to Mr Mc Naire to desire his Attendance at the Board on that day.

* * * * * * * *

The Secretary laid before the Board the following Copys of Orders of Council received from the Clerk of the Council vizt.

* * * * * *

Copy of an Order of Council dated the 9th of August 1751 approving a Representation of this Board proposing Isaac Holmes Esqr to supply a Vacancy in the Council of South Carolina by the Death of Joseph Blake Esqr

Copy

Copy of an Order of Council dated the 31st of October 1751 approving a Representation of this Board proposing the Repeal of two Acts passed in the Province of South Carolina in June & March 1747

. . . .

26th February 1752

Their Lordships pursuant to the Minutes of Fryday last took into Consideration the Petition of Mr Mc Naire to His Majesty praying for a Reimbursement of Expence he has been at in gaining over a considerable Body of Chactaw Indians to the British Interest and Mr Mc Naire attending as desired with Mr Crokatt Agent for the Province of South Carolina they were called in and Mr Mc Naire being asked what he had to offer in support of his Petition he acquainted their Lordships that he went up into the Indian Country in the Year 1747 with Goods to Trade upon his own private Account with the Indians, that he had Directions from the Governor to use his utmost Endeavours to gain over the said Indians to our Interest & if necessary to give away his Goods to them in presents and that he would reimburse his Expence by Bills of Exchange upon the Government in England, that he did accordingly

-ingly relying upon the Governor's Orders gave away his Goods to the said Indians to the Amount of 1700£ that upon the Governors having been called to Account by the Council and Assembly for engaging in this Service without consulting them he deny'd having given any such Directions.

Mr Mc Naire was then asked what Proof he had of the Governors having given him such Orders and of the Delivery of his Goods as Presents he laid before the Board the following Papers vizt.

Copy of a Letter from Mr Glen Govr of South Carolina to Mr Mc Naire dated the 18th Decr 1747 recommending to him to use his best Endeavours to obtain the Friendship of the Indians &c

Proceedings of the Assembly of the Province of South Carolina in May 1749 upon the Petition of Mr Mc Naire relating to the Choctaw Indians and upon the two following Papers.

Account of Expences by the said Charles Mc Naire & Company for Presents given the said Choctaw Indians amounting to 7054:–5:–

Account of Losses sustained by the said Charles Mc Naire & Co in the Choctaw Nation amounting to £4700.

Letter

Letter from the Committee of Correspondence in South Carolina to Mr Crokatt their Agent dated the 13th Sept 1749 recommending Mr Mc Naire to his aid and Interest in sollciting a Recompence for his Services in bringing over a great part of the Choctaw Nation to the British Interest.

Mr Crokatt being asked what he knew of this affair said that he had received two Letters from Mr Glen concerning Mr Mc Naire, One of which was in his favour and the other against him, that from the best of his Information about it, the Governor had desired Mr Mc Naire to go upon this Service telling him he had Authority to draw for any Expence he might be at, and that accordingly the Indians took all his Goods. That the Governor afterwards discouraged Mr Mc Naire & took all the Merit of the Services to himself.

Mr Mc Naire was then ordered to attend again to Morrow and bring with him the Original Letter from Mr Glen to him a Copy of which he had laid before the Board, and Mr Crokatt was also desired to attend and bring with him the two Letters which he mentioned to have received from Mr Glen relating to Mr Mc Naire. And then they withdrew.

Ordered

Ordered that this affair be taken into further Consideration to Morrow Morning.

. . . .

27th February 1752

Their Lordships pursuant to the proceeding days Minutes took into further Consideration the Petition of Mr. Mc Naire relating to his Services amongst the Choctaw Indians and Mr. Mc Naire attending with Mr Crokatt as desired they were called in.

Mr. Mc Naire then produced the Original Letter from Mr Glen to him a Copy of which he laid before the Board yesterday, and in order to verify the Allegations of his Petition he laid before the Board the following Papers vizt

Depositions of Mr. Mc Naire and Mr. Roche relative to Mr. Mc Naire's Services in the Choctaw Nation

Letter from Willm. George Freeman to Benjamin Whitaker Esqr. dated Charles Town the 21st. of Septr. 1749 relating to Mr. Mc Naires Services amongst the Indians

Paragraph of a Letter from the Committee of Correspondence in North Carolina to Mr. Abercromby Agent for the said Province relative

to

to Mr. Mc. Naire's Services amongst the Indians

Mr. Crokatt then laid before the Board the following Papers vizt.

Letter from Mr. Glen Govr. of South Carolina to Mr. Crokatt dated the 25th. of Janry 1749 relating to Mr. Mc. Naires Services amongst the Indians.

Letter from Mr. George Austin to Mr. Crokatt dated the 16th. of Septr. 1749 relating to the Services of Mr. Mc. Naire amongst the Indians.

Mr. Mc. Naire & Mr. Crokatt were then ordered to withdraw and their Lordships took into Consideration a Letter from Mr. Glen to the Board dated the 2nd. of Octr. 1750 relating to the said Mr. Mc. Naire and the said Letter having been read Mr. Mc. Naire and Mr. Crokatt were again called in, and Mr. Mc. Naire being asked, if he knew anything of a Libel against the Governor having been published in South Carolina relative to his affair, he said one Roche who was concerned with him in partnership had published such a Libel which was laid before a new Assembly by the Governor and censured by them, and that the new Assembly in consequence thereof came to a Resolution as he had been informed that he had done no Service but Hurt amongst the Indians that this he

apprehended

apprehended arose from the Governor being his Enemy and that he could prove that he obtained a Person to make Affidavit that he Mr Mc Naire had not any Goods in the Indian Country which Person afterwards confessed the Contrary & declared that the Governor himself drew the said Affidavit.

Whereupon their Lordships ordered Mr Mc Naire to produce his Proof of the Fact, and then Mr Crokatt and and he being withdrawn their Lordships ordered the Draught of a Letter to the Earl of Holdernesse upon the Petition of the said Mr Mc Naire to be prepared.

. . . .

18th March 1752

Read a Memorial of Mr Mc Naire relative to the Governor of South Carolina having drawn up a false Affidavit against him, and inclosing in proof thereof the following Papers.

1 Letter from Mr Math. Roche Merchant in Charles Town in South Carolina to Mr Mc Naire dated May 30th 1750 containing the Remarks of the Council of South Carolina upon Samuel Vinings Affidavit, and of the Governors proceedings with the Assembly.

Letter

2. Letter from Mr William Pinckney Secretary of the Province of South Carolina & Commissioner of the Indian Trade, dated at Charles Town April 1st 1750 relating to the Governors Proceedings to Invalidate the Service Mr McNaire had done in bringing over the Chactaw Indians to the British Interest.

3. Another Letter from the said Mr Pinkney dated May 18th 1750 relating to the same Purpose, particularly with regard to the Governors inducing Saml Vining to make an Affidavit against Mr McNaire, which, as said above appeared to the Council to be false. Tho the Name of the said Mr Pinckney is tore from the last Letter at the Gentleman's own Request, it will appear to be his own by comparing it with the Letter No 2.

4 Governor Glen's Warrant to Mr McNaire to publish a Proclamation amongst the Indians.

Their Lordships then took the said Memorial and Papers into Consideration and also the Draught of a Letter to the Earl of Holdernesse upon Mr McNaire's Petition ordered to be prepared by the Minutes of the 27th of Febry last and made some Progress therein.

19th

* * * * * * *

19th March 1752.

The Draught of a Report to the Earl of Holdernesse upon the Petition of Mr Mc Naires was agreed to transcribed and signed.

* * * * * * *

4th June 1752

The Draught of a Representation to their Excellencys the Lords Justices upon an Act passed in the Province of South Carolina in 1746 for emitting 210,000£ Paper Bills of Credit was laid before the Board agreed to & ordered to be transcribed.

* * * * * * *

24th June 1752

The Right Honble Henry Fox His Majestys Secretary at War attending their Lordships took into Consideration a Letter from Mr West Secretary to the Lords of the Treasury referring a Memorial of Mr Crokatt Agent for South Carolina desiring that 3000£ may be issued for Presents to the Indians bordering upon that Province and the Province of Georgia mentioned in the Minutes of the 20th of Feby last, and Mr Crokatt attending with Mr Martyn Secretary to the Trustees for establishing the Colony of Georgia, they were called in

in and after some Conversation had with them upon the Subject of the said Memorial, Mr Crokatt proposed that the £3000 prayed for in his Memorial should be given by Great Britain in exoneration of the Expences of the Government of South Carolina on account of Indian Services so far as that £3000 will go, his reason for which was that when the Settlement of Georgia was first undertaken the Trustees gave great Presents to the Indians which put the French and Spaniards upon giving greater Presents than was usual before, and therefore the Expence of Presents were greater than before the Settlement of Georgia was begun; Mr Crokatt further proposed that the £3000 should not be all sent in Goods, but only a part and the Remainder to be drawn for by the Treasurer of South Carolina to defray Expences attending the Distribution of Presents and other Indian Services.

Their Lordships upon Consideration of what had been urged by Mr Crokatt directed him to reduce his Propositions into writing & to lay them before the Board as soon as possible.

The Gentlemen being withdrawn their Lordships ordered the Draught of a Report to the Lords of the Treasury to be prepared

3rd July 1752

Read the following Letters and Papers received from Mr Glen Governor of South Carolina vizt

Letter from Mr Glen to the Board dated the 24th June 1751 inclosing

An Attempt towards an Estimate of the Value of the Province of South Carolina.

Letter from Mr Glen to the Board dated 15th July 1751 relating to the Trade of that Province with an exact account of the Produce of South Carolina exported from Charles Town between the 1st Novr 1749 & the 1st Novr 1750, also an Account of Indigo exported from the said Port since the 1st Febry 1748 to the 21st June 1751 both hereunto annexed, and inclosing

Copy of an Address of the Commons House of Assembly of South Carolina to Govr Glen on the 23rd Novr 1750.

Report from the Committee of Conferences appointed to take into Consideration that part of Govr Glen's Speech which relates to the state of the Paper Currency in the Province of South Carolina.

Letter from Mr Glen to the Board dated

December

December 1751 concerning Indian Affairs

Letter from Mr Glen to the Board dated the 29th Janry 1752 transmitting the following publick Papers vizt

An Account of the Number of Ships and vessels with their Tonnage & Number of Men that cleared out in the Port of Charles Town from 25th Decr 1750 to the 25th Decr 1751.

An Account of the Goods exported from Charles Town of the Produce of South Carolina from the 1st Novr 1750 to the 1st Novr 1751 & the supposed value thereof.

A Copy of the Deed of Sale by the Cherokee Indians Dated 12th Febry 1746.

Govr Glens observations upon several Acts passed in the Province of South Carolina between the 24th April 1751 and the 14th June following

The Secretary laid before the Board the following Papers received from Mr Crokatt Agent for the Province of South Carolina vizt

John Dart Esqr Commissary Genl his Account of the Application of the Money for the Township Fund from Octr 1743 to Oct 1750.

. . . .

9th

9th July 1752

Read Mr Lambs Report upon An Act passed at South Carolina in May 1751 to incorporate the Society commonly call'd and known by the Name of the South Carolina Society Dated the 24th June 1752.

Ordered that the said Act be taken into Consideration on Thursday the 23rd inst and that the Secretary do write to Mr John Sharpe Sollicitor in support thereof to desire his Attendance on that Day.

. . . .

22nd July 1752

Read a Memorial of Mr Hammerton praying the Boards favour that he may be reinstated in the Council of South Carolina.

Mr Hammerton attending was called in and having informed their Lordships that he had intentions of immediately returning to South Carolina their Lordships acquainted him that he should be recommended as a Councillor upon the first Vacancy which should happen after the Nominations of those to whom their Lordships already stood engaged — And then he withdrew.

. . . .

23rd July 1752

Mr John Sharpe attending pursuant to the Minutes of

of the 9th inst. their Lordships had some Conversation with him upon the Act passed in South Carolina in May 1751 to incorporate the Society commonly called and known by the Name of the South Carolina Society and ordered the Draught of a Representation to their Excellencies the Lords Justices proposing the Confirmation thereof to be prepared which having been prepared was laid before the Board agreed to transcribed and signed.

. . . .

8th November 1752

Read a Letter from Mr. Glen Governor of South Carolina to the Board dated 27th July 1752 acquainting their Lordships with the Death of James Wedderburn Esqr. Clerk of the Crown, Peace & Common Pleas in that Province and recommending David Graeme Esqr. to succeed him.

. . . .

10th November 1752

The Secretary laid before the Board the following Papers received from Mr. Crokatt Agent for the Province of South Carolina vizt.

Journals of Council from the 16th of Decr. 1749 to the 23rd of March 1750/1

Journal of the Upper House of Assembly from the

the 10th of Janry 1748/9 to the 15th of March 1750/1.

Journal of the Commons House of Assembly from the 21st Novr 1749 to the 31st of May 1750.

Sixteen Acts & an Ordinance passed between the 24th April & the 31st of Augt 1751.

Ordered that the said Acts be sent to Mr Lamb for his Opinion thereon in point of Law.

Read the following Letters and Papers from Mr Glen Govr of South Carolina vizt

Letter from Mr Glen to the Board dated Febry 1752 expressing his concern at not having received any Letters from the Board for upwards of two Years.

Letter from Mr Glen Governor of South Carolina to the Board dated the 27th July 1752 relating to the Necessity of building Forts amongst the Indians particularly in the Cherokee Country.

Letter from Mr Glen to Mr Hill dated the 27th July 1752 inclosing his Observations upon the Laws passed in the last Session of Assembly and transmitting

Journal of the Council from the 1st of April 1751 to the 23rd of Janry

Journal of the Assembly from the 13th Novr

1750

1750 to the 31st Augt 1751.

Journal of the Upper House of Assembly from the 16 of March to the 27th Janry 1752.

Nine Acts passed the 11th of May 1752 and two Ordinances passed the same Month.

Ordered that the said Acts be sent to Mr Lamb for his Opinion thereon in point of Law.

Ordered that the abovementioned Letter be taken into Consideration the 21st inst & that the Secry do write to Colo. Vanderdussen mentioned in one of them to desire his Attendance on that Day.

. . . .

17th November 1752

Read a Letter from Mr James Crokatt Agent for the Province of South Carolina inclosing his Memorial to the Board of Trade dated the 10th instant concerning Indian Presents & transmitting the three following Papers vizt.

Copy of a Memorial from James Crokatt to his Grace the Duke of Bedford dated Novr 9th 1749 concerning Indian Presents.

Copy of a second Memorial from James Crokatt to his Grace the Duke of Bedford dated 22d Octr 1750 concerning Indian Presents.

Copy

Copy of the Report of the Right Honble the Secretary at War by Letter to His Grace the Duke of Bedford dated the 13th Novr 1750 Also Copy of his Grace the Duke of Bedford's Opinion in relation thereto dated 19th Novr 1750 concerning Indian Presents.

Ordered that these Papers be taken into Consideration on Wednesday next and that the Secretary do wait upon Mr Secretary at War to desire the favour of his Attendance.

Ordered that the Consideration of the Letter lately received from Mr Glen mentioned in the Minutes of the 10th inst be postponed untill Wednesday next and that the Secretary do give notice to Colo Vanderdussen accordingly.

. . . .

21st November 1752

Ordered that the Consideration of Mr Glen's Letters relating to Indian Affairs appointed for to Morrow be further postponed untill another opportunity and that the Secretary do acquaint Colo Vanderdussen therewith.

. . . .

Ordered that the Consideration of the Memorial of Mr Crokatt Agent for the Province of South Carolina relative

relative to Indian Presents mentioned in the preceding Minute be postponed untill another Opportunity.

. . . .

13th December 1752

Read the following Letters & Papers received from Mr Glen Govr of South Carolina vizt

Letter from Mr Glen dated the 19th Septr 1752 giving the Board an Account of a dreadfull Hurricane there the 15th of September and transmitting

List of Ships and Vessels in the Port and Harbour of Charles Town in South Carolina in the Hurricane on Friday the 15th of September 1752 and their Circumstances

Letter from Mr Glen to the Board dated the 22d of Septr 1752 giving an Account of the Death of Mr Graeme Chief Justice of that Province, and of his having appointed Mr Pinckney to succeed him.

Ordered that a Copy be made of the first mentioned Letter and also of the Paper therewith transmitted to the Secretary of State to be laid before His Majesty, and the Draught of a Letter to the Earl of Holdernesse inclosing the same having been prepared was

was laid before the Board agreed to transcribed and Signed.

. . . .

21st December 1752

Ordered that the Draught of a Representation to His Majesty be prepared proposing that William Wragg and George Saxby be appointed of his Majestys Council in the Province of South Carolina in the room of Isaac Holmes and James Græme Esqs deced.

. . . .

22nd December 1752

The Draught of a Representation to His Majesty proposing that William Wragg & George Saxby Esqs. be appointed of the Council of South Carolina having been prepared pursuant to the preceding Minutes was agreed to transcribed and signed.

. . . .

B.P.R.O. So. Carolina B.T. Vol. 27 p. 308

(19 Mar. 1752)

To the Right Honble the Earl of Holdernesse one of His Majesty's Principal Secries of State.

My Lord,

In obedience to His Majesty's Commands signified to Us by your Lordships Letter of the 7th of February last, We have taken into our Consideration a Petition presented to Your Lordships by Captain Charles McNaire of South Carolina in America, with two other Papers annexed, relating to the Risque and Expence he has been at in gaining over a considerable Body of Choctaw Indians to the British Interest, and having been attended by the said Charles McNaire and heard what he had to offer in Support of his said Petition, We beg leave to acquaint your Lordship, that it appears to Us that he has verified the Allegations of it so far as relates to the Services he alledges to have performed & to his success in it, by gaining over the said Choctaw Indians to the British Interest;

That this service is from the nature of it a very important one, as nothing can more effectually

effectually tend to the future Peace, Security and Advantage of the Province of Carolina than the gaining the Friendship and good Will of the Indians, and withdrawing them from the Influence of the French.

That altho' the Petitioner has not laid before Us any authentick Proof of his having receiv'd any Special Commission in Writing from His Majesty's Governor of South Carolina for undertaking this particular Service, yet he has laid Evidence before us, that it was undertaken with the Consent and Approbation of the Governor and under Assurances of Reward from him; and it appears to Us upon the Representation of a Committee of the Assembly of the said Province, that the Petitioner has suffer'd a Loss of four Thousand Pounds in the Execution of this Service, which has involved him in great Difficulties and Distress We submit to your Lordship, whether the sum of one Thousand Pounds, not more than one fourth part of the Loss as allowed by the Assembly upon Enquiry, is not a Reward due to his Services. We are

My Lord

Your Lordships

most obedient and

most

most humble Servants

Whitehall (signed) Dunk Halifax

March 19th 1752. J. Grenville.

Fran: Fane.

Charles Townshend.

B. P. R. O. Plantations General B. T. Vol 55 p 157

Deputation from John Hammerton Esqre to William Simpson Esqre to be Deputy Secretary to the Province of South Carolina. May 18th 1752.

To all whom these Presents shall come or may concern, Greeting,

Whereas His Majesty Our Sovereign Lord King George the second by His Royal Letters Patent under the Great Seal of Great Britain, bearing date the eleventh Day of February in the fourth year of His Majesty's Reign, did constitute and appoint Edward Bertie and myself John Hammerton Esq^res Secretary & Register of His Majesty's said Province of South Carolina in America for the Lives of the said Edward Bertie and myself John Hammerton and the life of the longer liver of Us (the said Patent being on record in the said Secretary's Office in South Carolina Reference thereunto may be had. And whereas the said Edward Bertie is since dead, by which the said Patent is become solely vested in me,

Know

Know ye, therefore that I the said John Hammerton by virtue of the said Letters Patent do appoint William Simpson of London Gent. to be my Deputy Register of the said Province of South Carolina. And him, the said William Simpson I do by these Presents constitute and appoint Deputy Register of the said Province of South Carolina, to register all Mortgages and mesne Conveyances of Land according to the Laws of the said Province, with all Fees and Profits belonging and appertaining thereto. And I do by these presents revoke, disannul and make void all former Deputations heretofore given by me, particularly to Mr James Callender for non appearance and neglect of Duty in that Employment in the said Province. This Deputation to continue during my Pleasure and the Residence of the said William Simpson in the said Province.

Given under my Hand and Seal in London this eighteenth Day of May in the year of Our Lord one thousand seven hundred & fifty two.

Witness
Will. Chancellor. (sign'd)
James. Simpson. J. Hammerton.

B.P.R.O. So Carolina B.T. Vol. 17. K.42.

(24th June 1752.)

To the Right Honourable The Lords Commissioners for Trade and Plantations.

My Lords,

In pursuance of Your Lordships Comands Signifyed to me by Mr Hills letter wherein you are pleased to desire my Opinion in Point of Law upon the Following Act Passed in South Carolina in May 1751 I have Perused and Considered the same (Vizt)

An Act to Incorporate the Society Comonly called and known by the name of the South Carolina Society.

This Act Incorporates a Society for Charitable uses and Enables them to purchase Lands not exceeding Five hundred Pounds sterling per Annum. And also enables them to take by Donations or Devise Lands not exceeding Five hundred Pounds Sterling per Ann; An Act of this kind passed a short time ago in Pensilvania upon which I made my Report to Your Lordships, and took notice therein of The Act that passed here called the Mortmain Act, which was for restraining the Devise & settling of Lands for Charitable uses, but that Act did not extend to the Plantations

Plantations; and your Lordships Reported to His Majesty in Favour of that Pensilvania Act, therefore I must submit this Act being under the like Circumstances, to your Lordships Consideration and am

My Lords

Lincoln's Inn
24th June 1752.

Your Lordships
Most Obedient
Humble Servant
Mat. Lamb.

Recd. June 26th } 1752.
Read July 9th }

B.P.R.O. So Carolina B.T. Vol. 17 K.43.

(No date.)

To the Right Honble The Lords Commissioners for Trade and Plantations.

The Memorial of John Hammerton Esqr His Majesty's Secretary and Register of South Carolina.

May it please your Lordships.

Your Lordships Memorialist had the Honour to be appointed One of His Majesty's Council of South Carolina in the year 1730. The time all his Majesty's Council for that Province was first settled and appointed, and continued as such to the Year 1748 when his seat in Council (after some Indulgence of leave from Your Lordships) was filled up, by Reason your Memorialist was obliged then to continue in England on a Law suit in Chancery, But that being ended your Lordships Memorialist is now Returning to Carolina.

Your Memorialist Therefore most Humbly Prays Your Lordships That he may be Reinstated again in the Council (there being now a Vacancy) As he always gave due and Regular Attendance; and was

was at all times Ready in his Duty to
serve His Majesty on all occasions.
John Hammerton.

Reced }
Read } July 22nd 1752.

B. P. R. O. So Carolina B. T. Vol. 27. p. 329.

(23 July 1752.)

To their Excellencies the Lords Justices.

May it please your Excellencies.

We have had under our Consideration an Act passed in His Majesty's Province of South Carolina the 17th of May 1751. Entituled

An Act to incorporate the Society commonly called and known by the name of the South Carolina Society.

We have also consulted Mr Lambone one of His Majesty's Counsel at Law, upon the said Act, who has no Objection to it in point of Law, and as no Objection appears to us against the same, the view and design of it being only to incorporate certain persons who had associated themselves together for pious and Charitable purposes into a society, and to enable them to apply certain sums of money collected by contribution towards erecting, endowing and supporting proper Schools and Alms Houses for the maintenance and Education of poor and helpless Orphans, We humbly beg leave to lay the said Act before Your Excellencies for your Excellencies approbation.

Which

Which is most humbly submitted.

Dunk Halifax.

Charles Townshend

Andrew Stone.

James Oswald.

Whitehall

July ye 23rd 1752.

B. P. R. O. So Carolina B. T. Vol. 17. K. 44.

So Carolina July 27th 1752.

My Lords,

I lately received Your Lordships letter of the 13th of March 1752 inclosing His Majesty's Order in Council of the 11th of that Month, to which I shall not fail to pay all due Obedience.

And in consequence thereof, I am to acquaint your Lordships with the Death of James Wedderburn Esquire who enjoy'd the Offices of Clerk of the Crown and Peace, and Clerk of the Common Pleas in this Province for 20 Years and executed them to the General Satisfaction. That there might be no delay or interruption to the business in these Courts, I immediately appointed David Græme Esqr to supply the vacancy, a Young Gentleman of great expectation in this part of the world of known Zeal for His Majesty's Service, and who has practis'd at the Bar for some Years, whose regular education and close application to business render him very capable to discharge these Trusts, and as all this consists with my own knowledge I thought it my duty to inform you of it, and to pray that Your Lordships might be pleased to present

to

to His Majesty for his approbation the name of David Græme to be Clerk of the Crown and Peace, and Clerk of the Common Pleas in this Province.

Mr. Wedderburn held the Office of Clerk of the Common Pleas by Patent under the Great Seal of this Province in consequence of His Majesty's Royal Sign Manual to the Governour for that purpose, but he enjoyed the Office of Clerk of the Crown and Peace as Assignee of Thomas Lowndes who had a Grant for the same under the Seal of the Lords Proprietors to him, his heirs and Assigns, but having surrendered the same into the hands of His Majesty, His Majesty was graciously pleased to Re-Grant the said Offices to Thomas Lowndes and his Assigns during the lifetime of him the said Thomas Lowndes, and of Hugh Watson of the Middle Temple and the longest liver who are both said to be dead, the value of the Clerk of the Common Pleas cannot be certainly known as it depends entirely upon the Fees of the Office, which I am informed have amounted to between three and four hundred pounds yearly for some time past, out of which the Clerk has always paid an Assistant £100 ℘ annum, the Sallary of Clerk of the Crown is £25 ℘ annum, paid

paid out of His Majesty's Quit Rents & the Fees belong-
-ing to the said Office may be about as much

I am with great Respect
My Lords
Your Lordships
Most Obedient and
Most humble Servant
James Glen.

To
(The Lords of Trade.)

Recd Oct –
Read Nov. 8 } 1752.

B. P. R. O. So Carolina B. T. Vol. 17. K. 46.

So Carolina July 27th 1752

My Lords,

The Letters that I have formerly written to Your Lordships and the Secretary of State, to evince the Utility and Necessity of Forts in the Indian Countries, particularly in the Cherokees have been so full that I should find it difficult to add anything to them, but as the Council have pressed me to mention this matter to your Lordships, I take the Liberty to repeat that a Fort garrisoned by the Kings Troops near the Overhills Towns of the Cherokees which is Five hundred miles from Charles Town would in time render all that Country His Majesty's property as much as any part of this Province is. The French could not flatter themselves with any favour or to have any footing among the Creeks, were it not for the Halbama Fort under cover of which they insinuate themselves all over the Nation, I acquainted Your Lordships last year of their reception at the Coweta Town in the lower Creeks, tho' I could not then make known to you their errand, but I have been assured since that it was to purchase their Land from them, and to get Liberty to build a Fort, they made the same proposal

proposal in the Upper Creeks, had they succeeded, it is not impossible, but the consent of a few of the headmen might have been produced at Paris, to the Commissioners for settling the Boundaries as a valid conveyance of that Country to the French and as they might have pleaded possession by their having Forts there, it might have been difficult to have refuted their claim, for tho' I hope we have a better Title to it than they, yet I could wish we held it by so good a Tenure as that of the good Will of the Creek Nation strengthened by Forts among them. But to return to the Forts among the Cherokees, I am of Opinion it would help to cover them from the Insults and Injuries of the French Indians, and would enable and encourage them, as they might then leave their Wives and Children in a place of security to make incursions and carry the War into the Enemys Country. They pray for it as a favour, so it would probably, fix their Friendship for the English at present, but as Indians are pretty fickle should they ever afterwards mediate mischief, it would enable us immediately to curb their insolencies and prevent things from coming to a head, it would in a great measure free us from the false Accounts,

and

and lying letters sent down by the Traders, or if any came, it would free the Province from the fears and alarms that they always occasion, If such letters were not confirmed by the Captain of the Fort, we should not mind them, and if they were we should need mind them the less that we had a good Fort there, the villainous practice of alarming the Country has many bad effects, it involves it annually in very large expences, which about two years ago amounted to a thousand pound Sterling, exclusive of the Presents which His Majesty is graciously pleased to give, and last year to Fifteen hundred Sterling and yet this tho' an Evil is not comparable to the detriment done to the Outparts, where the People are forced frequently to fly from their Families and Corn Fields to make fences and Sconces for their Security, and tho' the land be very fertile and inviting yet these repeated disorders discourages, and at length drives them from it, and deters others from coming by which means one of the finest Countrys in America, more proper (I speak from my own observation) than any part within the Settlements for Indico remains a Desert and the King loses the Quit Rent that he would

would receive were it cultivated.

As I have been obliged to mention the French it is proper again to take notice of what I have formerly observed to your Lordships, that they have introduced since the Peace several thousand Troops into Mobille and New Orleans which have been spread all over the Country by them called Louisiana, as it cannot be imagined that this large importation of Troops is for the defence of that Colony, it is more than probable that they may have more distant views as thereby they will be enabled to make powerful invasions by Land on this Country in case of any future Rupture betwixt the two Crowns and in the mean time they will serve to harras our Indians, and to draw them over to their Interest.

In my former letters I have assured your Lordships that the French Governors and Captains of Forts bribe their Indians to murder our Traders, and give very large rewards for their Scalps. This has been since confirmed to me by persons who were present when these offers were made, and also by the fatal effects they have had in the loss of some of His Majesty's Subjects.

Should

Should any part of this letter need explanation Col. Vanderdussen one of His Majesty's Council in this Province (who has my leave to go to London upon his private affairs) will attend your Lordships in order to explain it

I am

with great respect

Right Hon. The Lords Com.rs for Trade & Plantations.

My Lords

Your Lordships

Most obedient &

most humble Serv.t

James Glen.

Rec.d Nov.r 9.r 7.th } 1752
Read . . 10.th }

B.P.R.O. So Carolina B.T. Vol. 17. K.47.

So Carolina July 27th 1752.

Sir,

I have by this conveyance sent to Mr Crokatt the Agent to be laid before the Lords Commissioners for Trade and Plantations the Journals of the Council and Assembly, and the Laws passed last Session and I enclose my reasons for passing them in this Letter, which I beg you may lay before their Lordships with the Laws because it may not be so proper that Mr Crokat should know what I write about the Tax Act.

I earnestly begg that you may send me the dates of all my letters and Papers to their Lordships for two years past or a little more with the first line or two of every letter or paper, as I have reason to fear that many of them have never been delivered

I am with great truth
Sir
Your most obedt Servant
James Glen.

Thomas Hill Esqr.
Secretary to the Lords
Commissrs. for Trade.

Recd. Oct. 26th }
Read Nov. 10th } 1752

(Enclosure)

(Enclosure.)

1st An additional Act to an Act entitled an Act for preventing (as much as may be) the spreading of Contagious Distempers.

This Act was passed in Obedience to Your Lordship's pleasure expressed in your letter of the 15th of November 1750 and is not only free from the fault in the Act passed the 13th of June 1747 taken notice of by Your Lordships but is in many other respects more Salutary and better calculated to prevent the spreading of Contagious distempers than the former.

2nd An Act for the preventing of excessive and deceitful gaming.

There being no Law of force in this Province to prevent this Evil, the General Assembly found it necessary to make one, and this is a Transcript with very little variation from an English Act of Parliament made in the 16th year of King Charles the second.

3rd An Act for preserving the Peace and for continuing a good correspondence with the Indians who are in friendship with the Government of So Carolina and for regulating the Trade with the said Indians.

Besides

Besides the Reasons contained in the Preamble for passing this Law, I must observe to your Lordships that a Bloody Indian War which broke out in the Year 1715 was the consequence of permitting all sorts of People to go to the Indian Countries without restraint or regulation which has induced the Legislator of this Province from time to time to pass Temporary Laws for regulating that Trade the last of which passed the 11th of April 1739, and was afterwards continued. I was pressed last year to give my Asent to a Bill to continue it for some time longer, but I absolutely refused it, because the Cherokee Indians have often complained to me of the pernicious effects of carrying great quantitys of Rum amongst them. That it robb'd them of the Skins with which they should purchase Clothes for their Wives and Children and was besides the occasion of many quarrels in their Nation betwixt them and the White men, as it made those who drank it mad. and there being no Clause in the late Law to restrain the Traders from carrying Rum. I refused to continue it, besides, by that Law, the

the Commissioner had a power of drawing for sums of money upon the public Treasury who was obliged to answer his drafts, and his power in many other instances was too great, all which and many other evils have been remedied by this new Law.

4th An Act for appointing Commissioners to Stamp and Sign the Sum of £20,000 of Paper Bills of Credit, to be exchanged for such of the Bills of Credit as were lately stamped on bad paper obliterated torn & defaced.

5th An Act for Appropriating the Duties imposed by Law on Goods, Wares and Merchandize imported into and exported out of George Town Winyaw for the Term therein mentioned towards finishing the Church erected in the said Town.

6th An Act for laying Buoys and erecting and supporting Beacons and Landmarks near the Bar of the Harbour of Georgetown Winyaw, and for building or repairing one or more Pilot Boat or Boats to attend the Bar of the said Harbour, and for the better settling and regulating the Pilotage of the said Harbour.

7th An Act for appropriating the Duties imposed by Law on Goods Wares and Merchandize imported into and

and exported out of the Port of Beaufort Port Royal for the Term therein mentioned towards building and keeping in repair a Pilot Boat or Boats to attend the Bar of the Harbour of the said Port and for the better settling and regulating the Pilotage of the said Harbour and for appointing a Controller and a Receiver of the Country Duties for the said Port, and for obliging all Ships and other vessels trading to the said port to pay Powder Duty.

8th An Act to revive and continue the several Acts of the General Assembly of this Province therein mentioned.

The Reasons for passing the five last mentioned Acts are contained in the respective Preambles.

9th The Tax Act.

Agreeable to Your Lordships injunctions I endeavoured to prevail with some of the leading men in the Assembly to alter the method of laying this Tax shewing Tax shewing them that it was both contrary to the Custom in England, and to the Kings Commission to his Governor from which flowed their Power of acting as an Assembly and that it was also contrary to the King's Instructions, but they told me, that they thought it

it impossible to prevail with the Assembly to make any alteration in what had been the Established methods since the first be-ginning of the Government, however If your Lordships desire me to insist upon it, and make a point of it, I will obey with pleasure.

James Glen.

B. P. R. O. Plantations General B. T. Vol. 55. p. 155.

Deputation from John Hammerton Esqr. to William Pinckney Esqr. to be Deputy Secretary to the Province of South Carolina. Augst. 4th 1752.

To all whom these Presents shall come or may concern, Greeting.

Whereas His Majesty Our Sovereign Lord King George the second by His Royal Letters Patent under the Great Seal of Great Britain bearing Date the eleventh Day of February in the fourth year of His Majesty's Reign did give and Grant for him His Heirs and Successors, unto Edward Bertie and John Hammerton Esqr. the Offices of Secretary and Regist. of His said Majesty's Province of South Carolina in America and them the said Edward Bertie and John Hammerton His Majesty by His said Letters Patent did make ordain and constitute Secretary and Register of South Carolina To have, hold execute and enjoy the same by them the said Edward Bertie and John Hammerton or either of them or by their sufficient Deputy or

or Deputies for and during the Lives of the said Edward Bertie and John Hammerton and the Life of the longer Liver of them, with all Rights, Privileges, Profits, Perquisites and Advantages to the said Offices belonging or appertaining (which Patent being recorded in the said Secretary's Office in Charles Town recourse may thereunto be had) And whereas the said Edward Bertie is since dead by which the said Patent is become solely invested in the said John Hammerton; Now Know ye, that by virtue of the said Letters Patent I the said John Hammerton for divers good causes and considerations I do continue, constitute and appoint William Pinckney Esq.re of Charles-Town my Deputy Secretary of His Majesty's said Province of South Carolina, and him the said William Pinckney my Deputy Secretary of the said Province of South Carolina I do by these Presents ordain constitute and appoint in my Room and Stead with full power to execute do & perform all Business, Matters and Things done and to be done in the Secretary's Office in the said Province in as full and ample manner as if I myself were there present, with all Fees, Per-quisites

Perquisites, Profits and Emoluments appertaining or belonging to the said Office and I do by these Presents revoke, disannul and make void all Deputations heretofore given by me whatsoever and particularly one to George Powell Esq.re some time past (as I do not think him a sufficient Person for the same, which Deputation he extorted from me) but by these presents do confirm and appoint the said William Pinckney to be my true and absolute Deputy Secretary in the Secretary's Office in the said Province.

Given under my Hand & Seal in London, this fourth Day of Augst in the Year of our Lord one thousand seven hundred & fifty two

(signed)

J. Hammerton

Witness

Jno Tinker.

Edmd Atkins.

B.P.R.O. A & W. I. Vol. 629.

So Carolina Septr 19th 1752

My Lords.

We have had here on the 15th Instant the most dreadful Hurricane that has ever happened in this part of the World. The Wind was high all the preceding night; in the Morning it continually increased & gathered Strength, but from eight to eleven its Fury was irresistible and indeed inexpressible; Words are too weak to give Your Lordships a just Idea of it, and what rendered its force more formidable was its throwing in such an Inundation from the Ocean, as threatned Destruction to all who should escape the Violence of the Wind; Sad Alternative! to be swallowed up by devouring Waves, or buried under the Ruins of falling Houses, and yet this must have been the unavoidable Fate of all Charles Town, and, I may add, of all Carolina, had the Storm continued to rage with the same Force & Direction, till the Height of the Tide; but by the good Providence of God the Wind shifted three hours sooner, veering from E. to S E. then to the So and at last to the S. W. and soon after it

it abated, and the Waters fell, having been raised near nine foot perpendicular above the highest Spring Tides.

Numbers of People have lost their Lives, 15 Persons betook themselves to the Pest House, 10 of which were drowned, the other five saved them-selves by getting upon the Roof, which being car-ried off by the Sea was driven many Miles, and at length landed them on some higher ground; three were drowned upon James Island, and in Charles Town a Woman, her three Children, two White servants and five Negroes, together with the House, were all swept away, and their dead Bodies thrown up at a distant part; another Woman and two Children were drowned near the same place, and some others, but Numbers more must have perished, had not our Houses been very substantial, all these especially upon the Bay are so, but yet few of them have escaped without visible marks of this direful Disaster, tho' our Fortifications were of eminent service to them, as our Curtain Line at that part happened to stand and kept out the sea, and so proved a real Defence against a more merciless Enemy than it was built to oppose, but other parts

parts of the Town, where the Houses were slight, and the Situation low, present a most surprising and shocking Scene, scarce one Brick being left upon another, in which places there has been a general Wreck of Vessels and Crash of Houses, and they all lye intermingled in one common Ruin.

It is more proper to say to Your Lordships, that our Fortifications are destroyed than damaged, and that new Works are necessary, since the old in many Places can not be repaired, the Brick Walls, with which many of them were faced being torn to pieces, as if Mines had been sprung, the Earth is washed away, the Platforms forced up, and carried off, the Cannon dismounted, & the Carriages lost, and some of our Magazines with all the Ordnance Stores in them entirely swept away; Thus the Labour of many Years has been lost, & render'd of little service in one Hour, I pray God to preserve Us in Peace, till We are in a Condition to refortify ourselves.

All the Ships, Snows, Sloops and Vessels of all Denominations are either entirely lost or found on shore, except the Hornet Man of War, which rode it out by cutting away her Mast; many of

of the Vessels were beat to pieces; some of them in my sight, & within a few yards of my House, others were forced some hundred yards into Marshes, and it will be extremely difficult, if not impossible, to get them out, others are driven into the Woods.

The Roads in general are impracticable by the infinite Number of Trees, which lye across, so that there is no such thing as Travelling; however I have heard from some parts of the Country, and by the Accounts from thence the Storm has not been so great either to the Southward or Northward, many of the Negroe Houses, Out Houses and Fences all over the Country are blown down; the Crop certainly must have greatly suffered, tho' not so much, I am hopeful as our Fears at first suggested, but I am afraid the Planters will feel this Blow for some time, & no doubt the Merchants are equally sensible of it, & a Man must be a Savage who does not feel for both.

By the Advice of the Council I have issued a Proclamation for calling the General Assembly upon this melancholy Occasion, but I am afraid it

it will be impossible for many of them to leave their affairs in the Country, or even to get to Town, should they incline.

I am with the greatest Respect
My Lords
Your Lordships
most Obedt & most humble
Servt James Glen.

Right Honble Lords Comrs
for Trade & Plantations

B.P.R.O. A + W.I. Vol 629.

(Enclosure to letter from Govr Glen. 19th Sept 1752.)

A List of Ships and Vessels in the Port and Harbour of Charles Town in South Carolina in the Hurricane on Fryday the 15th Sept. 1752. and their Circumstances Viz.

Vessels Names	Masters Names	their Circumstances.
His Majesty's Ship Mermaid	Capt. Hollowell	was Careening at Hobcaw drove on shore but will be got off.
His Majestys Snow Hornet	Capt Purcell	Cut away her mainmast and rode out the storm, but near full of water.
Ship Lucy of London	John Bullmer	Fully Loaden for London, tis hoped, but doubtfull whether She can be got of again
Ship Eagle Galley of New Hamphire	Timothy McDaniel	on shore up Ashley River, but will be got off again
Ship Tellemachus of Liverpoole	Thomas Fearclough	on shore up Ashley River but will be got off again
Ship Affrican of + from Barbadoes	John Donnington	Lost all her masts near Chas. Town Barr lyes at Anchor near North Edisto.—
Ship Upton of Maryland	John Gardner	With about 400 Palatines on board drove on shore, tis hoped but doubtfull whether she can be got off again.
Shooner Elizabeth of Charlestown	Alexander McGilvery	Loaden and ready to sail for Jamaica, on Shore but will be got off.

Vessels Names	Masters Names	their Circumstances.
Brigantine Two Friends of Falmouth	Thomas Johns	Was Loaden for Falmouth, drove on shore so high tis thought she will not be got off again.
Brigantine Peggy & Sally of Bristol	William James	near loaden for Bristol high on shore, but hoped she may be got off again.
Ship Owners Goodwill of London	Martin Mordaunt	Safe up Ashley River
Snow Charming Nancy of Charles Town	William White	at Strawberry
Snow Charming Nancy of Hull	Chas Cookson	
Snow Industry of Charles Town.		
Sloop Henry of New York.	Henry Brozier	
Sloop Industry Rode Island.	Urian Davis.	
Snow Dove of Brighthelmstone	John Tupper	
Sloop Polly of Barbadoes	John Gore.	
Sloop Catherine of New York	Richd Mealy	

Vessels Names	Masters Names	their Circumstances.
Sloop Nancy of Chas. Town	John Babb	
Sloop Susanah of Do.	Amos Minott	
Sloop Endeavour of Ch. Town		Loaden for Jamaica, on shore & broke to pieces
All the Pilot Boats and many Schooners and Petty Augnas belonging to the Province		drove on shore, some of them will be got off, and many are beat to pieces

signed James Glen

B. P. R. O. So Carolina B. T. Vol. 17. K. 54.

So Carolina September 22d 1762.

My Lords,

With great concern I acquaint your Lordships with the Death of Mr Græme Chief Justice, after a slight and short indisposition, His Majesty has lost a faithful servant and his Subjects an Able Magistrate, losses that could not readily have been repaired, had not I prevailed upon Mr Pinckney to have accepted of that Office, a Gentleman of unsuspected Loyalty, and undoubted sufficiency, and who in my opinion will adorn that distinguished Station; he was bred to the Law in England, and has practised at the Bar here upwards of Twenty four years, with universal Applause and as he is of an older standing than any of that profession, perhaps I might say without offence to any, that he is of superiour knowledge, but I know his own modesty would not permit me, but this much it is my duty to say, that I have appointed him, as I truly think him the most proper person, I have done it to comply with the Unanimous opinion and advice of the Council, and also to gratify the universal wish and Prayer of the People, I therefore entreat that your

Lordships

93

Lordships may be pleased to present to His Majesty for his approbation the name of Charles Pinckney Esqr. to be Chief Justice of this Province. I think it may not be improper to let Your Lordships know what a Sacrifice he has made in point of Interest or income by accepting of this Office since for £500 ℘ annum, he has forfeited £1000 but I know few men more ready upon all occasions to prefer the Public Weal to his private profit, and to all selfish considerations.

I am with the greatest respect
My Lords
Your Lordships
Most Obedient and
Most Humble Servant
James Glen."

P.S.

By Mr. Grame's Death there is another vacancy in the Council. I earnestly intreat that Your Lordships may be pleased to present to his Majesty in Council the name of John Drayton Esqr., a Gentleman every way duly qualified to supply one of the Vacancys, and also the name of James Mickie Esqr. to supply another. I have by the advice of the Council, appointed Mr. Mickie Judge of the Admiralty in the room of Mr.

Mr. Græme deceased, and I have applyed to their Lordships to confirm him, and as his Majesty's Ships stationed here have received great damage by the Hurricane and as their Lordships may probably be of Opinion that some more of His Majesty's ships may be necessary here, considering our present defenceless Scituation, I have taken the Liberty to enclose for their perusal some parts of my letter to Your Lordships giving an Account of that fatal affair.

I am with the greatest respect
My Lords
Your Lordships
Most Obedient and
Most humble Servant
James Glen.

Rt. Hon. Lords Commissrs.
For Trade and Plantations.

Recd. Dec. 13th } 1752
Read ditto. }

B. P. R. O. So Carolina B. T. Vol. 27. p. 330
(18 Oct. 1752.)

To Matthew Lamb Esqr

Sr

I am directed by my Lords Commission-ers for Trade and Plantations to send you the sixteen inclosed Acts and Ordinance, passed in the Province of South Carolina between ye 24th of April and the 31 of August 1751, and to desire your Opinion upon them in point of Law, as soon as conveniently may be. I am

Sr

Whitehall
Octo. ye 18. 1752

your most obedient Servant
Thos Hill.

B. P. R. O. So Carolina B. T. Vol. 17. K. 48.
(10 Nov. 1752.)

My Lords,

I take the Liberty of sending herewith a Memorial to your Lordships of this date together with* sundry other papers to support the substance of my Memorial of the 22 Jany last to the Right Honble the Lords of the Treasury concerning Presents to the Indians near to So Carolina & Georgia to which I beg leave to refer.

If these papers contain no Reasons that may incline your Lordships to report in favour of my memorial to the Right Honble the Lords of the Treasury, I shall not attempt to give you any further trouble, for to gloss over such Affairs with specious pretences or to advance anything that I am not conversant with and believe to be fact, is what no consideration will induce me to do, altho' as a Private man I may perhaps have more to fear and more to lose by a Rupture with the Indians in South Carolina than any one private Subject, when at the same time I declare I am neither directly nor indirectly concerned in any Indian Trade.

I shall only add that if nothing further is

* These papers and others have been copied under the correspondence under the same subject 30 Nov. 1750

is ever done on this head I am concious (let the conse-quence be what it will) of having done my duty in representing the Affair in a true & impartial Light & that as many Goods sent out for this Service were utterly improper, & now lye undisposed of & rotting in So Carolina for want of Instructions. I hope your Lordships will be pleased to send such as may enable the Governor & Council to apply the Produce of them when sold to the same Purposes the Goods sent were intended vizt to be given as Presents to Indians in such a manner as your Lordships may think proper.

I have the Honour to be

London 10th Nov. 1752. My Lords

Your Lordships

most obedient

humble Servant

James Crokatt.

The Right Honble
Lords Commissioners of Trade
& Plantations.

Recd Nov ye 15th }
Read . 17th } 1752.

(Enclosure)

(Enclosure.)

To the Right Honble The Lords-Commissioners of Trade and Plantations.

The Memorial of James Crokatt of London Merchant Agent for the Province of South Carolina.

Humbly Sheweth,

That as your Lordships have been pleased to direct me to deliver in Writing all the Arguments I had urged in Support of a Memorial presented by me to the Right Honble Lords of the Treasury dated the 22d Jany last concerning Presents to be given the Indians Contiguous to & in Alliance with the Province of South Carolina & Georgia, & as that affair has been already narrowly examined at other offices. I therefore beg leave to refer to sundry Papers delivered herewith, for your Lordships perusal and further Information on the Subject vizt.

Copy of my Memorial to his Grace the Duke of Bedford dated the 9th Nov. 1749.

Copy of a Second Memorial to his Grace 22 Oct. 1750.

Copy of the Report of the Secretary at War by Letter to Duke of Bedford 13 Nov. 1750.

Copy of his Grace the Duke of Bedford, his opinion in relation thereto 19 Nov. 1750.

permit

permit me likewise to add some further Observations that have occurred to me on the occasion.

That ever since the Settlement of Georgia the Trustees or their Agents have at the publick Expence given a much larger Value in presents to the Indians than was formerly done by the Province of South Carolina, and that the French and Spaniards at the Expence of their respective Crowns have also increased the Value in presents given to these People which was one reason why an application was made to his Majesty in behalf of South Carolina for a sum being allowed annually for that purpose, as the inhabitants are not able at their own private Expence to support an Interest in Competition with the Crowns of France and Spain.

That although South Carolina & Georgia are at present divided into two separate Governments, yet their Situation and Interest with respect to the Indians are in some manner connected together, for should one Province be attacked the other must soon feel the effects of it.

That as the Inhabitants of South Carolina have large properties to risque in wide extended Settlements where the lives of themselves, Families

and

and Slaves are in the utmost danger in Case of any variance with the Indians, & as they are annually obliged for the support of their Friendship to be at a greater expence than the allowance granted by His Majesty, there is no room to doubt but that they will take all proper care of the due application of the Goods or Money granted them by his Majesty for the uses intended.

That this is not the case with respect to the Inhabitants of Georgia, they feel no weight of any Taxes whatever, & as they have little or no Trade, so they have hardly any Property to lose or save in consequence of the faithfull disposal of any Presents given by the Trustees Officers who have the whole direction of them, besides as the inhabitants of Georgia have scarce any Commerce or Connection with any of the Indians except the Lower Creeks, they may be supposed the less concerned in any thing relating to the disposal of presents to any other Indians.

All such presents were given by the Commander in Chief of the Militia & Forces, there are no such persons now in Georgia, the Governor of South Carolina having the Command of the whole Forces of both Provinces.

When

When Indians come down we make as great an appearance of our Strength as we can, not only by the Militia under Arms but our Forts and Shipping firing before and after the Audience or great Talk, now as Savannah is in a manner deserted for they have not now ninety men Inhabitants tho' they once mustered 1000 Militia, the Indians by seeing an empty deserted place must form a bad Idea of our Strength & so far from respecting even Insult us, which has proved the case now at Georgia by a few of the most despicable Indians of any who have presents given to them.

The Councill and Assembly in South Carolina who make up about 60 of the richest & most sensible Inhabitants of the Province are parties & have direction in the disposal of the presents sent to South Carolina, but the Magistrates of Georgia have little or no property to loose nor Subsistence, but as Trustee officers & in such Circumstances as hardly to deserve any Credit.

The unavoidable expence of having Interpereters giving Entertainments, sending up presents to the Indians paying the Agents and attendants who go with the same all which greatly exceeds the first cost of the presents given & must be twice as much if the same Indians

Indians have presents sent them from both Provinces or come into both, in order to receive them.

There is two methodes of giving presents Vizt- when we want their concurrence to anything We send an Agent with several Attendants & proper presents, which are given them at their several Meetings in any of their Chief Towns, or when they come to us as they alledge to renew and Confirm Friendship, then the presents are delivered by the Governor & Councill in Charles Town, in both Cases the other Expences vastly exceeds the real presents given, Vizt if we send up to them the Agent and twenty men upon large Pay will be out on the journey from 2 to 4 months, this to the nearest Indians will cost above £300 Sterling when perhaps all the presents given don't exceed £100, which was the Case even to the Cherokees in 1746 tho' the nearest Indians.

The Carriage of Goods given as presents is in some Cases six Times the Value of the Goods sent, as in Lead shott and in almost all kinds of Goods at an average equal to it, for it's Common to give from £3. to £5. Sterling for a horse Load, & the fixed load for each horse is 150 pounds weight, having high mountains to go over and are often in want of Provisions most

most of which they carry with them.

If the Indians come to Carolina, we pay those who come with them as Interpereters & are at a great charge for their maintenance during their journey & Stay, of buying them Horses, also of sending up their Presents with them, so that on the whole where £100 value in presents is given there is above £100 more unavoidable Charges attending the same, & in Consequence were £3000 to be paid to purchase presents, there should be in proportion to the number of Inhabitants there & in Great Britain, is more than paid here, besides a large Provincial Debt due little inferior in proportion to that of Great Britain.

It may be further observed that along with these presents, Instructions were sent by the late Trustees of Georgia to inform the Indians that they were to be sent them annually which has been already two years neglected, those who know the Temper and disposition of Indians must also know that they admit of no Excuses for promises made and not performed which is now the case & the Consequence to be dreaded, as to the wrong application of what money has been formerly allotted for this good Service all can be said is, that the Conduct of the Government of South

Carolina

Carolina was unblamable, but if People were appointed here who neither had the Credit or knowledge necessary in such affairs, or if wrong or impracticable Instructions was sent; along with the presents So as to render the Money allotted for that use not of half the service intended, it is not the fault of the Province of So. Carolina as a proper scheme for the purchasing & disposal of these presents was then offered but not attended to.

It's no doubt very favourable for the Inhabitants of South Carolina that Deer Skins the only Indian Produce are of more value in England than in France or Spain & in consequence the Traders give a better price for them, else a War could not be so long prevented, & indeed that accidental advantage has proved of more Service than any presents given by the British Nation or Colonies which are in no respect equal to what is given by the French & Spaniards

Your Memorialist therefore, for the Reasons herein resited as well as for those Contained in the Sundry Papers delivered herewith, and also in the Memorial to the Right Honoble The Lords of the Treasury dated the 22d January 1752. most Humbly hopes your Lordships will think proper to report in favour of the said Memorial

London 10th Nov. 1752 James Crokatt.

B.P.R.O. So Carolina B.T. Vol 27 p. 331.

(13 Dec. 1752.)

To the Rt Honble the Earl of Holdernesse

My Lord

Having just received a letter from James Glen Esqr His Majesty's Governor of South Carolina dated the 19th of Sept. last, giving an account of a most dreadfull Hurricane which happened there on the 15th of the said month and of the great damage the Province has sustained, We take leave to inclose to your Lordship a copy of the said Letter, together with a List of the Ships and vessels which have been damaged or destroyed and desire your Lordship will be pleased to lay the same before His Majesty.

We are My Lord
Your Lordship's
most obedient and
most humble Servants

Whitehall
13 Dec. 1752

Dunk Halifax
Dupplin
Fran: Fane
Chs Townshend
James Oswald

B. P. R. O. So Carolina B. T. Vol. 17 K. 60.

So Carolina, Decr 16th 1752.

My Lords,

I have enclosed Duplicates of two letters which I did myself the honour to write to your Lordships in September last, in one of which I acquainted you with the death of Mr Græme Chief Justice of this Province, and of my having, agreeably to His Majesty's Instructions, by the advice of the Council, appointed Charles Pinckney Esqr to supply the vacancy. In the other I gave your Lordships an Account of a dreadful Hurricane that happened here on the 15th of that month, and of the great damage done thereby to the Province in general, but particularly to the Fortifications of Charles Town, and of my having called the General Assembly upon that occasion, these Duplicates are marked No 1 and 2. I shall proceed to inform your Lordships that after the Hurricane we had excessive rains and lowering weather for several days, which made us apprehend a second Storm at Full Moon the first having been at the Quadrature which accordingly happened, and raised the waters to a great height, so that much of our Crop was destroyed, and

and the rest many feet under Water, and in great danger of being lost. These were our melancholly circumstances when the Assembly met, and I have taken the Liberty to enclose a printed copy of my speech to them, and of their Addresses – marked No. 3 and 4. In consequence of what I re-commended to them they prepared a Law to prevent the Exportation of Corn, Pease and small Rice &c. and another Act, entituled an Act for altering and amending the 6th and 7th Paragraphs of the Act Intituled an Act for the better strengthening this Province &c., to both which I gave my Asent, they are marked No. 5 & 6. the reasons for passing the first Act sufficiently appear in the Preamble, the reasons for the second Act were because there was not a sufficient quantity of vacant land with-in the Bounds intended for the Settlement of these Poor People, the many thousands of Acres of uncultivated land, held under old Claims and Titles, that neither pay the Kings Quit Rents nor Provential Taxes, an evil that I hope we shall remedy very soon by a Law. We had found also that when the Bounty was paid in money the People often squandered it away, and therefore it was more proper

proper to give it them in Plantation Tools and Pro-visions. We had found also that far greater numbers powered in upon us than we expected, and that the Fund appropriated for that Service would fall short, and therefore the Bounty was reduced to one half, but that the Public Faith might be kept, such Persons who should arrive within four months and might pretend Ignorance of such reduction should have the former Bounty paid them. When they took that part of my speech relating to the Fortifications under consideration, they soon saw how unable they were to rebuild Works so thoroughly ruined, and therefore thought it their duty humbly to present to His Majesty the state of them, and that their present distressed condition put it out of their power to apply any remedy, they desired me to concur with them in the Address, which I very willingly did, and have transmitted the same to your Lordships, entreating that it may be presented to His Majesty, and if I have not put it in the proper channel, I hope you will have the goodness to forgive my mistake, for I have not written to the Secretary of State upon this occasion. I have also enclosed a copy

-for

for the use of Your Lordship's Board marked No 7.
The Council were of opinion that as our late Fortifications were now destroyed, the first step to be taken was to have the advice of some person of knowledge, how Charles Town ought to be fortified in a regular manner, and that a Plan should be sent over to Your Lordships, together with a computation of the expence, and advised me to send for Mons. de Brahme a skillful Ingenier, a Settler in Georgia, I had some months before the Hurricane, by their advice sent for that Gentleman and desired him to examine our Fortifications and to report to me how they might be best repaired and altered, he produced to me a very ample, and honoble Testimonial of his ability under the hand and seal of Count Seckendorf a Copy of which I transmit to Your Lordships marked No 8 and which I also sent down to the Assembly, desiring them to make some provision to reward him for the trouble he might be at, but they absolutely refused, saying that his Testimonial was in the French language, and not signed by a Secretary of State. This was thought an endeavour to grasp at the power of Government,
and

and as the Council after the Hurricane saw the necessity of having the assistance of a person of knowledge and experience, they again advised me to employ that Gentleman, but after he had performed the Service, the Assembly again absolutely refused paying him, so that I have been obliged to pay him £320 Currency out of my own pocket. I send your Lordships his Plan and his Report marked No 9, his plan is not at all in the manner of Vauban or of any Works that I have seen, so I shall make no other observation upon it, than that it is too extensive and would be too expensive, but by leaving out the Citadel, and by contracting it, that is by drawing the lines nearer the Town, it may be defended by fewer men and may be executed for less money, his plan would cost upwards of £50,000 Sterling but if reduced in the manner I mention it may be done for a little more than 20,000, but even this sum is far beyond our reach, there being no more than £18,000 Currency in our Funds applicable to this Service and 5000 £ Currency more ℘ Annum and this is not only for building but for keeping in repair all the Fortifications in the Province, but

had

had we a sufficiency of moneys, I am of opinion that any part of it that might be laid out in Fortifying Charles Town would be thrown away till our Laws relating to our Fortifications are altered. it is true I have never seen any place more strong by nature, being Situated upon a Neck of land, at the confluence of two great Rivers, Cooper and Ashley, and the neck by which it communicates with the Country being narrow without either heigths or hallows, but our laws are unsurmountable difficulties, and while they subsist they will baffle the skill of the ablest Ingenier. I have by the unanimous Advice of the Council, by repeated messages to the Assembly, pressed them in the most earnest manner to bring in a Bill for altering of these Laws and acquainting them that I expected a plain and positive Answer before the vessel sailed, which was to carry home our address to his Majesty. that vessel was to have sailed as yesterday, but having received no Answer I prevailed with the Capt. to stay two days longer, and this day at noon I received their answer; The vessel sails early in the morning so that I cannot at present fully state this matter to Your Lordships

Lordships, but a part of one of my Messages to the assembly will give you some light into it, it is in the words following - "By a law passed in 1736 for repairing the old and building of new Fortifications, but which really renders it diffi-cult while it subsists if not impossible to Fortify Charles Town, it is enacted that openings "should be left in the Parapet on the Bay Street for "all Bridges that extended 20 Foot below low Water "mark, and that all and every person and Persons "whatsoever who should thereafter build any bridge "or Bridges extending 20 Foot below low Water mark "should be entitled to and should have the said "Parapet taken down, and convenient openings left "for the communication of the said Bridges with "the said Bay Street. That Street is near half a "Mile in length, and it will by this means be "laid open from end to end, it is by nature one "of the fittest places for an Invading Enemy's land-ing, there being no Marsh nor other obstruction, "and this Law prevents in a great measure the "opposition that may be made from the shore, for "if the ruining or rather the removing of the Parapet, "be not a sufficient Invitation, the same Law per-mits

"mits Shedds, Crane Houses and Store houses to be
"erected without the Parapet, 16 Feet in heigth. The
"Law says that these Shedds are for housing perish-
"able goods, but they may as properly be called shedds,
"as they will undoubtedly shelter and cover an Enemys
"landing. I hope therefore that before we begin to
"repair our Fortifications, we may alter this Law,
"for while it remains in its full force we must
"remain naked and open on that side".

To this the Assembly have returned the following answer "That Charles Town carries on a "very considerable Trade, most of it's Inhabitants "are Trading People, that the openings and communi-"cations allowed by Law to the Wharfs and Bridges "have been found to be very convenient and useful, "and attended with no bad consequences, and when "any inconveniency or prejudice may be found to "attend the same it will then no doubt be properly "considered by the Legislature, and the Law either "regulated or amended, as the occasion may require, "Nature has defended Charles Town by a Bar much "better than all the Fortifications that can be "made by the most skillful Ingenier with all the "money that we are able to provide, therefore we have

"no

"no reason to fear any attempt in large vessels by
"sea, they cannot come at us, and if Fort Johnson
"was rebuilt and our Fortifications in CharlesTown
"repaired, we hope we be able to repel any force
"that can come over our Bar".

Your Lordships will easily perceive how lame this answer is, to say no more of it, They pass over in profound Silence that Material part of my Message relatin, to the Store houses on the outside of the Curtain line, and only say that when any prejudice is found to attend the having of these openings, it will then be considered by the Legislature. The prejudice that may be apprehended, My Lords, is that the Town may be easily taken by an Invading Enemy. The Storehouses on the outside of the Curtain line were large Brick buildings 16 Foot high and very numerous, but entirely demolished by the late Hurricane, and if they are permitted to be rebuilt they will seal up the Mouths of our own Cannons and Muzzles of our Guns, and serve as a screen to cover an Invading Enemys landing, all our laws guarded against such buildings till the year 1725 particularly the 5th Paragraph of the Law No 173 and the

20th

20th Paragraph of the Law No 421 of the printed Acts in Your Lordship's Office. Our Bar which they take notice of, admits with ease 20 Gun ships, and can admit vessels of a greater burthen, and Fort Johnson which they propose to be built, can be of no sort of service, for with a leading Gale vessels can soon pass it, even if they were obliged to come within reach of its Guns, but they may pass with great ease far beyond Cannon Shott. Your Lordships will be better able to Judge of all these matters by some of the Messages that I have sent to the Assembly, and that they have sent to me, relating to our Fortifications, which I desired their Clerk to Copy out of their Journals for me but which he has not as yet had time to do, they shall be sent by some of the next ships. I have the Honr of Your Lordship's Letter of the 3rd of June last and shall punctually obey Your Lordships directions.

I am with the greatest respect
My Lords
Your Lordship's most obedient
and most humble Servant
James Glen.

Rt Honble Lords Commrs
for Trade & Plantations.

Recd Mar 27 } 1753.
Read . 28 }

(Enclosures)

(Enclosures)

K. 61. No 3.

The South Carolina Gazette

September 27th 1752 Number 954.

Charles Town, printed by Peter Timothy at the New Printing Office in Tradd Street.

K. 62. No 4.

The South Carolina Gazette

October 9th 1752 Number 956.

printed as above.

K. 63. No 5.

An Act for Prohibiting and preventing the Exportation of Corn, Pease and small Rice from this Province for the term therein mentioned.

Passed ye 7th of October 1752.

K. 64. No 6.

An Act for altering and amending the sixth and seventh paragraphs of the Act Intituled An Act for the better strengthening this Province by granting to His Majesty certain Taxes and impositions on the purchasers of Negroes and other Slaves imported and for

for appropriating the same to the uses therein mentioned and for granting to His Majesty a Duty upon Liquor and other Goods and Merchandize for the uses therein mentioned and for exempting the purchasers of Negroes and other Slaves imported from Payment of the Tax and the Liquors and other Goods & Merchandize from the Dutys imposed by any former Act or Acts of the General Assembly of this Province.

Passed ye 7th of October 1752.

(N.B. It has not been thought necessary to have the above enclosures copied.)

K. 65. (Enclosure.)

To the Kings most Excellent Majesty

The Humble Petition of the Governor Council and Assembly of Your Majesty's Province of South Carolina.

Most Gracious Sovereign,

We your Majesty's most dutiful and Loyal Subjects, the Governor, Council and Assembly of this Your Province of South Carolina, filled with the warmest Zeal for the service of Your Majesty beg leave

leave to approach Your Sacred Person, to lay at your Royal Feet our most dutiful acknowledgements, for the many Blessings which, with the rest of Your Majestys happy Subjects, we enjoy under Your most auspicious Reign, to express our Gratitude for the particular Marks of Paternal Tenderness and Princely Benevolence shewn to us upon former Oc-casions, and at the same time to breath out our present distressed Condition to the Father of his People.

It has pleased the Sovereign Deposer of all Events to lately visit this Province with a dreadful Hurricane which has done inexpressible Damage to the Inhabitants, ruined the Forts and Fortifications of Charles Town and of Fort Johnson at the Entrance of that Harbour and though these Works cost very large Sums yet sensible of the se-curity that they gave to this part of Your Majesty's Dominions, which we are determined to defend with the last drop of our Blood Your Majesty's Subjects would chearfully make provision for re-building them, but the same terrible Tempest that ruined our Works renders us unable to make that provision. We have always experienced how readily the Cries of your remotest Subjects reach

Your

your Majesty's attentive and compassionate Ears, and we think it our Duty to represent to Your Most Gracious Majesty our exposed and defenceless condition and our utter Inability to secure this Capital of the Province against the attempts of Princes who may become Your Majesty's Enemies. We therefore most humbly pray Your Majesty would be graciously pleased to grant us such Relief as to Your Majesty in your great Goodness and Wisdom shall seem meet.

And Your Petitioners (as in duty bound) shall ever pray &c

In the Council Chamber
the 7th of October 1752.
J. G.

In the Upper House of Assembly
C. P.

In the House of Assembly
the 7th day of October 1752.
J. M.
By order of the House.

(Enclosure.)

(Enclosure.)

K. 66. No. 8.

Monsieur de Brahm, ci devant Capitaine et Ingenieur à l'armée de feu S. M. Imperiale que J'ai eu l'honneur de Commander, m'ayant prié de lui donner un certifficat de sa conduite et de ses services, pour s'en pouvoir servir dans ses recherches d'un employ; J atteste par ces presentes, que le dit Mr de Brahm a fait dans toutes les occasions tant à l'armée, que dans les fortresses les devoirs avec autant de zele, que de dexterité ayant prouvé en tout tems une exactitude parfaite dans l'execution des ordres et en meme tems une habilite et experience Consommées dans son metier et qu'il, ya jonte une Conduite sic Sage reglée, et tout a fait louable, de sorte, que tous ses superieurs ont eus lieu d'etre parfaitement bien contens de lui et que Je ne puis, que le recommander du mieux partout, ou il pouria sic s'addresser e offrir ses Services. Meuselviz en Saxonie ce 18 de decembre 1750.

(L. S.) Frederic Henry Marechal Comte de Seckendorff.

(Enclosure.)

K. 67. (Enclosure.) No. 9

Your Excellency,

I deliver with these present the Report desired of me according to tree of your Excellency expresses of different dates, & according both to my undertakeing and examination, in recognising and Sourvaying the Terrene of Charlestown and according to my Calculation, Scheme and Designe referring your Excellency to my here joyned traught, in which I indeavourt to reveal all natural advantages and in which I shew by a proper scheme, haw there the inhabitans may be put in surety, where the natur had leave any advantage to the enemys. The natural advantages ar following: the harbour to the S.E., the Ashly River at S.W., the Cooper River at East, and the many Creeks and marches to the No. W. the Enemys ar the Sea, the neighbouring Europians, the Indians and the Negroes, which all had manifest there adversity once all ready so that there can be non doubting of for a second time.

The necessary defence against the first enemy is a good dam round about the thown, which having flanks at proper distances can be in the same time serviceable aginst ye other tree enemys, but as

as the home bred enemy is at any time the worst, and be non means the despicablest, and the Magazines of the Country want to be asured enough for thes reason it is requiring to have a Citadelle fixt at such a Place, which the natur had leave the most convenient to the Enemys advantage.
Thes place is upon the high road between two heats of two Creeks, one running in the Ashly; and the other in the Cooper River, there I project a good strong Citadelle with a couvert way, 4 Bastions detache, A, 4 Curtain Ravelins B. with fause brayes all round C., back Casements and Galleries D. and with a good retranchement E. under whose inner Talud ar the habitations F. for the Garnison covered aginst all Danger of Canons, Bombs and fier, useful in the same time for the list defence, when the enemys hasd passed the whole fortification or by force or by surprize. thes Citadelle had only one communication G. leading in the Town, whose reason will be so much the list alledgeble, as anybody knows by experience, that haw less Doors ar on a hause, So less therevar passages for thiefs, the same is the condition of a forte, in which and in the whole project

I

I have choosed the advices and schemes of the most famous Ingeneers Daniel Speckle and the Hanovereane Georg Rumpler Leutenant Colonel and Ingeneer in the Service of hes late Imperiale Majesty Leopold the I. whose scheme ar to fortify out the principle of the Square, to fix the Bastions on the middle of the Curtains, and to form of the Curtains curtain Ravelins, which scheme gives greatly more advantages as any other, at first it engaged the enemy to form a large, long and precious siege, because notwithstanding one member from the other being separatet, the whole in there manner of desension ar in such a con-nection one with another, that any of hees must come to an Engagement with the enemy + when the enemy had taken one piece after a greatly trouble he will be for all that cut off from the rest, so as the Plan shews the natur of it.
Secondly the force of the enemys attaque decrease so much more, as more he approach the center of the Citadel, because the desension in the ditch (which he only passed by a small bridge) increased hav-ing there a strong back fier out of the casements D. and a front fier from the fause brayes C, and

suppose

suppose the Enemy had the greatest store of man and artillery in his camp, that will do hem non help then, because he had not room for them in a narrow ditch, yea the ditch desension is the only means to kip the Enemys fier from having superiority, and he had non invention to destroy these desension, except by undermining, but aginst them the wather in low countrys is the best anti-dote, which benefit Charles Town injoys; but there is not occasion for so many arguments only for shewing the goodness of thes scheme, because the writings of Mr Rumpler are now very well knowet, where besides my plan and pourfil may be pleased to be referd every one, which knows and lovs millitary art and architecture, the mode-objection concerning the oblique desension from the second flank in the curtain line will recoil willingly by my plain assignation of making the same parapet in a form as a Saw, which methot ar very usefull too in the parapet of the covert way, be thes means the defenders will be not only lesser in enfilades as by means of the traverses, which ar to the enemys advantage too, when he is taking porsession of the covert way but ye will be inabled to make upon any angle Saliant

saliant a fire of desension first paralelle with hes capital, secondly perpendicular upon the clasis line, thirdly paralelle with both clasis-lines of the neighbowring angles saliant.

from the S.W. of the bitadelle I go in an as much as possible Regular broken line down the breek to Ashly River and from there crassing soom marches to with Point, and joine the burtain line upon the Bay leaving not so much room, that a landing Enemy may build a battery, having the have strenght of them, which he shall find aginst hem; in the point between the breek and Ashly River I project tree Bastions defending one another by a perpendicular fire having there necessary outworks, which leaves hardly a landing for the enemy. thes tree Bastions are regulatet in such a manner, that an attackt one may be cut off by the gallow markt particular and general retrenchement so, that the neighbouring Bastions by now means can losen ther desension of it, consequently the lost of it will be not more to the whole fortification, as the lost of a deat finger to a healthy body, which advantage by so few trouble and expence never can be expectet by any other scheme of fortifying. but

but as the natur had given allready so many advantages of a River, Creeks and Marches to the place where I lead the Fortifications line further. I had not need to project more as only a single Rampart, whose exterior talud ar Supported by a 8 feet high breeg wall H. aginst undermining of the sea. from the East of the Citadelle is the same kind of project dif-fering only in the figur of the lines in general, there will be non line in the whole project whose desension are longer then 840 feet, That is Royal desension and there will be non angle Saliant under 60 degrees, nither will a single angle mort in the whole which ar the tree principal observations in fortifying besides them may the figur of the fortifications be whatsoever.

Going to the harbour there I find non means to kip the enemy at distance, because the Sᵒ Channel is intirely out of point blank, and to build a great way in the open harbour is at first to much expost to huraken and Sturm. Consequently dangerous 2dly to preciouse and 3dly the retraite and communication with the town at to great distance and the garnison to much exposed to being cut off.

in the Cooper River upon an East line from the Counsel

Counsel House may be two flaches oppoeit one another, of which the West flache must lay from the Counsel house at a distance of 615 feet, or 205 Yards, the East also 250 feet from the opposite marche build upon dams maid at purpos, then the distance be-tween both will be exactly 40 chains, 22 chains is generaly point blank shot for a whole culverin consequently will there the the Channel will be garantet very well.
but as there is another caled No Channel, which ar not quit 20 chains broad to command them I project there a large fleche upon a No march point anent a small Creek which divides there the marche, but the passage upon Ashly River can not be disputed by building a fleche upon the with point in tho harbour, as there was one proposed, because ther place will be at any time to much exposed to the violence of the sea, and in danger to be drawn down, but ther passage may be dif-ficultet much better by a fleet of largo and small vaissels besides the man of War lying under the canons of the So Fortifications. Suppose the Enemy would force themself trough them, yet he would find after all them more as to much difficultes in

in beginning the attaque by lande, by thes means I have shewed, what natur can do aginst natur, but how natur can do aginst the Lord, that I am unknowing to assure.

my following plan and pourfil will accomplish what I have mentient above.

The Calculation of it is following.

ar to be mouved	Cubical feet earth	Cost £ curr:
in the Citadelle ----	12662000 --------	15400
in both fortification lines S.W. & S.E. ----------	34448683. --------	65000.
The Dams for the tree fleches.	1321059 --------	3140.
Summa Earth Work -	48431742. --------	83540.

ar to be build in bricks, as supporting Walls, Galleries Casements, and Logements for the Garnison.

in the Citadelle ----	536596 ---	116000.	want men to defende	915.
both fortification lines S.W. & S.E. ----	245628 ----	43600.	-------	3686.
the tree fleches ----	131584 ----	32000.	------	220.
bay curtain -----	87.936 ---	19000	------	611.
Suma Cub. feet in Brick work	1001744.	cost 210600	man	5431.
Suma of the whole Expence --		294.340.		

N.B. 18 bricks to a cubical foot, and a wall of 1000 breks to 12 £ cur: expence.

Here is not comprehendet the Carpenters work in muddy

muddy fundations, the bridges to carry the earth out of the ditches upon the rampart, the bridges for the cannons, the rails round abaud the Glasis, the Doors, windows frame and shutters etc. in the Casements and habitations for the Garrison, item the plantation of the hedges mixed of Casina and locust, Which I propose in the stead of palisats, the fachins, the clothing of turf, item the wheel-barrows, spads and hows, item the Wages for the overseers, nither is here comprehendet the Salary for the director, his levtenant and Clerk, whose Salary ar to be regulatet according to the quantite of Working Negroes. at lest every proportion of the fortification, and haw to be laid out, item haw much a Negroe in one day may ditch and at different stations remuve and where to be transportet, item haw much any particular piece, will cost, that shall plainly be shewed in my Tabells of Computation. by which my present industry I wish so much to please as I am ready to be at any time

your Excellency

most humble Servant

William de Brahm.

B.P.R.O. So Carolina B.T. Vol. 17. K. 68

So Carolina, Decemr 16th 1752.

My Lords

The Catawbaws which I lately sent to New York by sea with the Prisoners taken by them from the Six Nations during the War were received with open arms, and having travelled through all the Countrys belonging to the 6 Nations are now returned home in safety accompanied by many of the Northern Indians. to whom upon their arrival among the Catawbaws, I sent a small present and a letter but I have this day received letters from Govr Clinton and Govr Dinwoddie that a Party of French and their Indians were gone to War against the Catawbaws Mr Dinwoddie has sent to give them notice of it, & I shall immediately send an Express to put them upon their Guard, the gentleman whom I lately sent up to congratulate the arrival of the Northern Indians is still in the Catawbaws, and we have also many Traders among them I also received Intelligence some time ago by some French Deserters, that Orders had been sent from Paris to the Govr of Mississippi to march a body of men, to consist of French and Indians to the

No

Nº of 1500, to cut off the Chickesaw Nation where we have also several Traders, early notice was sent to them to prevent their being surprised.

I have formerly informed Your Lordships that the French had rekindled the War betwixt our Friends, the Creeks and Cherokees, it being no difficult matter to blow up a small Spark into a great Flame among Indians, it raged with violence and consumed numbers on both sides, but I have once more happily succeeded in extinguishing it, contrary to the expectations of most people in this Province, and in a way so Honble for the English, that I hope Your Lordships will pardon me, if I once more make use of the words, that it cannot be paralelled in the History of America, of which I shall send Your Lordships a minute detail when the Gentleman whom I employed in this affair returns from the Creek Nation, in the mean time I shall mention some few heads of it. The Creeks and Cherokees were daily weakening and wasting one another, the Cherokees had suffered most, and had often required of me to try to make Peace, but the Creeks flushed with Success, and instigated by the French, still

still continued to harrass them, they had also carried off great numbers of horses from our Traders among the Cherokees, and our Outsettlements towards that Country, under pretence that they were Indian Horses, and had carried off the Goods that they found in their stores among the Cherokees, and lastly they had murdered 6 Cherokees, contrary to the Treaty betwixt the Creeks and us, contrary to the Caution that I had given them the pre-ceeding day, contrary to their positive promises made to me in the Council Chamber that morn-ing; it was done in the most treacherous and at the same time barbarous manner with regard to the Cherokees, twenty six of them well armed having fallen upon twelve Cherokees who could not suspect such usage; it was the heigth of Insolence to Us having been perpetrated in the very eye of the Government hard by Charles Town, and while we in a manner held the Cherokees in our Arms, the Cherokees could hardly believe but that it was with our knowledge and Con-nivance that it was done, and was sensible that the Creeks, had it been passed over with Impunity would have held us in great contempt, I therefore

saw

saw the evident necessity of demanding satisfaction, but when I proposed to the Assembly to provide for the expence of sending up an Agent, they absolutely refused doing it, saying that it was impossible to expect satisfaction, and that it was out of our power to take it, that Indians thought they had a natural right to kill their Enemies wherever they met them and it would be a vain attempt to tell them that it was a breach of the Laws of Hospitality, and therefore that it was best for us to sit down with the wrong, but as I entirely differed from them, I have by the advice of the Council sent an Agent to that Country with letters to some of the head men with Instructions under my hand and Seal, directing the Agent in all his proceedings, and in every word he was to say, and he has happily succeeded for they have put to death one of the principle headmen, and greatest Warriour in that Nation, as a satisfaction to the English for the blood of their Friends the Cherokees shed at Charles Town by his direction; they have restored the Horses Goods and other Effects taken from the Cherokee Traders or any other of our People, and they have agreed

agreed to a peace betwixt them and the Cherokees, and have recalled all their Partys that were out at War, and have sent to me to desire that I may give notice to the Cherokees to do the same which I accordingly did, acquainting them also that satisfaction was given to us for the death of our Friends; never was Joy equal to that of the Cherokees upon the Receipt of these news, they fired off 500 guns at once, and have sent me their grateful acknowledgments; I propose to meet both Creeks and Cherokees in the Spring at the Congaree Fort, where we have an Officer and 25 men, but I shall increase it to 100 men upon that occasion, that is, one of the Independent Companys shall do duty there, and at the same time I intend to have all the Militia in those parts amounting to several hundred men under Arms, a thing very necessary to be done if there was no Meeting of Indians; and I hope the Peace that shall there conclude betwixt these two people will be lasting, and that matters will be there put upon such a foot that for the future all their differences will be referred to me, without coming to extremities.

J.

I am with the greatest respect
My Lords
Your Lordships
most obedient and
most humble Servant
James Glen.

Right Hon: Lords Commrs
For Trade & Plantations.

Recd March ye 27 } 1753.
Read 28 }

B. P. R. O. So Carolina B. T. Vol. 17. K. 56.

(20 Dec. 1752.)

At the Court at St James's
the 20th of December 1752.
Present.
The Kings most Excellent Majesty
in Council

Whereas the Governor and Commander in Chief of His Majestys Province of South Carolina with the Council and Assembly of the said Province, did, on the 17th of May 1751, pass an Act, which hath been transmitted in the Words following vizt

"An Act to incorporate the Society commonly "called and known by the name of the Carolina Society".

And Whereas the said Act, together with a representation from the Lords Commissioners for Trade and Plantations thereupon, having been referred to the consideration of a Committee of the Lords of His Majestys most Honourable Privy Council for Plantation Affairs - The said Lords of the Committee did this day Report as their Opinion to His Majesty that the said Act was proper to be Approved - His Majesty in Council taking the same into Consideration, was graciously pleased to declare His Approbation of the

the said Act, - And Pursuant to His Majesty's Royal Pleasure thereupon expressed, the said Act is hereby Confirmed, finally enacted and ratified accordingly. Whereof the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being and all others whom it may concern are to take notice and Govern themselves accordingly

A true Copy
W. Sharpe.

Recd Jan^ry 8th } 1753
Read — 17th }

B. P. R. O. So Carolina B. T. Vol. 27. p. 332.

(22 Dec. 1752)

To the Kings most Excellent Majesty

May it please Your Majesty

James Græme & Isaac Holmes Esqrs, Two of Your Majestys Council in the Province of South Carolina being deceased and William Wragg & George Saxby Esqrs being recommended to Us as persons every way Qualified to serve Your Majesty in that Station; We humbly beg leave to propose that the said William Wragg and George Saxby Esqrs may be appointed of Your Majestys Council, in the said Province in the room of the said James Græme and Isaac Holmes deceased.

Which is most humbly submitted

Whitehall
Decr 22. 1752

Dunk Halifax
Dupplin
James Oswald
Frans Fane

B. P. R. O. So Carolina B. T. Vol. 17. K. 74.

(27 Dec. 1752.)

To the Right Honourable the Lords Comission-ers for Trade & Plantations.

My Lords,

In pursuance of your Lordships Com-mands signified to me by Mr Hills Letter wherein you are pleased to desire my Opinion in point of Law upon the following Acts passed in South Carolina in March 1749 & May 1750. I have perused and considered the same (Vizt.)

1. An Act to regulate the Price and Asize of Bread.
2. An Act for raising and granting to his Majesty the Sum of £60,358: 14s: 10¾d for defraying the charges of this Government for one year commencing the 25th Day of March in the year of our Lord 1749 in-clusive and ending the 25th Day of March 1750 exclusive And for discharging the Residue of the Debt incurred for the Defence of the Coasts and Protection of the Trade of this Province.
3. An Additional Act to the Acts of the General Assembly of this Province concerning insolvent Debtors and for the Continuance of the said Acts.
4. An Act for the Erecting and Supporting of a Beacon near

near the Bar & Harbour of Charles Town and for placing Buoys on or near the s^d^ Bar for the use of Ships and other vessels coming to the port of Charles Town.

5. An Act for keeping the streets in Charles Town clean and establishing such other Regulations for the Security Health & Convenience of the Inhabitants of the said Town as are therein mentioned and for establishing a new Market in the said Town.

6. An Act for vesting the Ferry established over Stono River at the place where the Bridge stood in Thomas Rose & Francis Rose their Exetors Admors & assigns In trust for the use of the Children of Henry Williamson deceased for the Term of Seven years and for suspending the Power of the Commissioners for building a Bridge at the s^d^ Place during the s^d^ Term and for ascertaining the Boundarys of the District liable to work on the Cutt commonly called New Town Cutt And for appointing Commissioners to build a Bridge over Coosaw Hatcher Creek lying between the Parishes of St Helena & Prince William and for keeping the same in Repair.

7

7. An Act for Establishing a Ferry over Santee River in the Parish of St James Santee from the Plantation commonly called Courages Plantation on the North side of the said River to the place commonly called Jonathan Skrines on the South side of the sd. River and for vesting the said Ferry in Alexander Dupont his Extors Admors and Assigns for the Term of seven Years and for appointing Commissioners for the Public Road leading from the Plantation late of William Watson deceased in Christ Church Parish commonly called Habraw to the High Road leading to Church in the said Parish.

8. An Act for vesting the Ferry over Ashley Ferry in Edmund Bellinger and George Bellinger Esqrs. their Extors Admors & Assigns for Seven Years In trust for & to the Use and Appointment of Mrs. Elizabeth Elliot Wife of Thos. Elliot Esqr.

Upon Perusal and Consideration of these Acts I have no Objection thereto in Point of Law: I am

Lincolns Inn
27th. Dec. 1752.

My Lords
Your Lordships
Most obedient Humble Servant
Mat. Lamb

Recd. Jany 17th.
Read Dec 5 } 1753.

B. P. R. O. South Carolina B. T. vol 17 K. 75

(1st January 1753)

To the Right Honoble the Lords Commissioners
for Trade & Plantations

My Lords

In Pursuance of your Lordships Commands signified to me by Mr Hills Letter wherein you are pleased to desire my Opinion in Point of Law upon the following Acts passed in South Carolina between April and Aug 1751 I have perused and considered the same (Vizt)

1. An Act For appointing Commissioners to build a new Bridge over Pon Pon River near the Place where the Old Bridge stood and for making Causeys leading to the said Bridge And for appointing Commissioners to finish and compleat a Road already laid out from the Horse Shoe Road Pocotaligua Causey in the Parish of St Barthol.w and to keep the said Road in Repair And for appointing Commissioners to cut a Creek from Ashepoo River to Pon Pon River at the upper End of the Goose Marsh between the said Rivers and also to cut another Creek through the Marsh between Chehaw and Ashepoo Rivers.

2. An Act For establishing a Ferry from the Plantation of

of Colonel Samuel Prioleau called Pattersons Point in Port Royal Island to the Land late of Thos Innes deceased on the Indian Land and for vesting the sd Ferry in Colonel Samuel Prioleau his Extors Admors & Assigns for the Term of ten Years and for establishing one other Ferry from the said Land late of Thos Innes deceased to the said Plantation of the said Colonel Samuel Prioleau and for vesting the same in John Green his Extors Admors and Assigns for the like Term.

3 An Act For suppressing and preventing of private Lotteries.

4 An Act to restrain & prevent the too frequent Sales of Goods Wares & other Merchandises by publick Auction or Outcry in Charles Town and for the better Regulation of such Sales

5 5. An Act to appoint & establish new Lists of Jury Men to be drawn by Ballot in this Province and to empower the Courts of Law to draw Jurors in Cases therein mentioned.

6 An Additional Act to the several Acts of the General Assembly now in Force in this Province which relates to insolvent Debtors and for impowring the Chief Justice Publick Treasurer & Coroner of Berkley County to

to set aside insolvent Debtors that may happen to be drawn as Jurors & for obliging the Plaintiff to pay the Fees for insolvent Debtors committed to the Custody of the Provost Marshall.

7 An Additional & Explanatory Act to an Act of the General Assembly of this Province intituled an Act for keeping the Streets in Charles Town clean and for establishing such other Regulations for the Security Health & Convenience of the Inhabitants of the sd Town as are therein mentioned and for establishing a new Market in the said Town

8 An Additional & Explanatory Act to an Act of the General Assembly of this Province intituled an Act for the better ordering & governing Negroes & other Slaves in this Province and for continuing such part of the sd Act as is not altered or amended by this present Act for the Term therein mentioned.

9 An Act for amending an Act intituled an Additional & Explanatory Act to an Act intituled an Act to impower the several Commissioners of the High Roads private Paths Bridges Creeks Causeys and Cleaning of Water Passages in this Province of South Carolina to alter & lay out the same for the more direct and better Convenience of the Inhabitants thereof

An

10 An Act for the better restraining Seamen from absenting from their Services and for the Encouraging the Apprehending & Securing of fugitive Seamen & to discourage frivolous & vexatious Actions at Law being brought by Seamen against Masters & Commanders of Ships & other Vessels.

11 An Act for raising & granting to His Majesty the Sum of 39,441.£ 0.s 6½d and for applying the Sum of 6689£ 12s 7d being the Ballance of several Funds in the Publick Treasury of this Province making together 46,130£ 12s 1½d for defraying the Charges of this Government for one Year commencing the 25th March 1750 inclusive and ending the 25th March 1751 exclusive.

12 An Act Granting to His Majesty the Sum of 25000£ for the Building of a State House in Charles Town for the Service of this Government and for impowering and appointing Commissioners to Execute the same

13 An Act for dividing the Parish of St Philip Charles Town and for establishing another Parish in the sd Town by the Name of the Parish of St Michael and for appointing Commissioners for the Building of a Church and a Parsonage House in the said Parish and appointing one Member more to represent the Inhabitants of the sd Town in the General Assembly of

of this Province and for ascertaining the Number of Members to represent the Inhabitants of the said Parishes respectively in the sd Assembly and providing an Addition to the Salary of the present Rector of the Parish of St Philip during his Incumbency

14 An Act for the better strengthning of this Province by granting to his Majesty certain Taxes and Impositions on the Purchases of Negroes & other Slaves imported and for appropriating the same to the uses therein mentioned and for granting to His Majesty a Duty on Liquors & other Goods & Merchandises for the uses therein mentioned and for exempting the Purchasers of Negroes & other Slaves from Payment of the Tax and the Liquors & other Goods & Merchandise from the Duties imposed by any former Act or Acts of the General Assembly of this Province

15. An Act to revive and continue the several Acts of the General Assembly of this Province therein mentioned and for amending one of the sd Acts intituled an additional Act to an Act intituled an Act for the better regulating Taverns and Punch Houses & for applying the Moneys arising by the sd Additional Act instead of paying the Watch & Guard in Charles Town towards discharging the Additional Pay granted by this Government to

to his Majesty's independent Companys doing Duty in this Province.

11. An Ordinance for impowering the Governor of this Province for the time being with the Advice & Consent of his Majestys Honourable Council and the other Persons therein named being Members of the present General Assembly to make such By Laws Ordinances Rules and Orders for preserving Peace and continuing a good Correspondence with the Indians in Amity with this Governmt & for regulating the Trade with the sd Indians as they shall think necessary for the Term therein mentioned

Upon Perusal and Consideration of these Acts I have no Objections thereto in Point of Law

I am

My Lords

Your Lordships

Most Obedient

Humble Servant

Mat Lamb

Lincolns Inn

1st Jan 1753

Recd Jan 9th 17th }
Read Dec 5 } 1753

B P R O South Carolina B T Vol 17 K 55

10th January 1753

At the Court at St James's
the 10th day of January 1753
The Kings most Excellent Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 22nd of last Month Setting forth that James Greeme and Isaac Holmes Esqrs two of His Majestys Council in the Province of South Carolina are dead, and that William Wragg and George Saxby Esqrs have been recommended to them as Persons every way qualified to serve His Majesty in that Station; They therefore Propose, that the said William Wragg and George Saxby Esqrs may be appointed of His Majesty's Council in the said Province in the room of the said James Greeme and Isaac Holmes deceased His Majesty in Council approving thereof, is Pleased to order, as it is hereby ordered, That the said William Wragg, and George Saxby Esqrs be constituted and appointed Members of His Majesty's Council in the said Province of South Carolina, in the room of the said James Greeme and

Isaac

Isaac Holmes Esqre deceased. And that the said Lords Commissioners for Trade and Plantations do cause Warrants to be prepared for that purpose and lay the same before His Majesty at this Board

W Sharpe

Recd 10th Jany } 1753
Read 12th do }

B P R O Journals B T Vol 61

Whitehall 10th January 1753

At a Meeting of His Majesty's Commrs for Trade & Plantations

Present

Earl of Halifax

Mr Pitt Mr Grenville Lord Dupplin Mr Fane

Mr Oswald

. . . .

Ordered that the Draught of a Representation to His Majesty proposing that Peter Leigh Esqr may be appointed Chief Justice of South Carolina in the room of James Graeme Esqr deceas'd and the Draught of a Letter to inclose the same to the Earl of Holdernesse be prepared.

. . . .

11th January 1753

The following Representations and Letters having been prepared pursuant to the preceding Minutes were laid before the Board agreed to transcribed and signed

. . . .

Representation to His Majesty proposing that Peter Leigh Esqr may be appointed Chief Justice of South Carolina in the room of James Graeme Esqr deceased.

And

And a Letter inclosing the same to the Earl of Holdernesse

. . . .

12th January 1753

Read an Order of His Majesty in Council dated the 10th Inst approving the Boards Representation of 22d Decr last, proposing William Wragg and George Saxby Esqrs to be of the Council of South Carolina and directing Warrants to be prepared for that Purpose and Warrants having been prepared accordingly, as also the Draught of a Representation to accompany them the said Draught was laid before the Board agreed to transcribed and signed.

. . . .

17th January 1753

Read the following Copies of Orders of Council vizt

Copy of an Order of Council dated the 20th Decr 1752 approving a Representation of this Board proposing the Confirmation of an Act passed in the Province of South Carolina in May 1751 Entitled An Act to incorporate the Society commonly called and known by the Name of the Carolina Society.

. . . .

6th

6th February 1753

Read a Letter from the Earl of Holdernesse dated 2d of Febry 1753 signifying His Majestys Approbation of Peter Leigh Esqr to be Chief Justice of South Carolina and directing this Board to prepare the Draught of a Warrant for his Appointment

The Draught of a Warrant having been prepared pursuant to the said Letter was agreed to and a Letter to the Earl of Holdernesse inclosing the same was signed

. . . .

9th March 1753

Read the Several Copys of Orders in Council the Titles of which are as follows vizt.

Copy of an Order in Council dated the 25th of Janry 1753 approving a Report from this Board together with a Warrant prepared by them directing the Govr of South Carolina to swear & admit William Wragg Esqr to be of his Majestys Council in the said Province

Copy of an Order in Council dated the 25th of Janry 1753 approving a Report from this Board together with a Warrant prepared by them directing the Govr of South Carolina to swear & admit George Saxby Esqr to be of his Majestys Council in the said

said Province.

. . . .

28th March 1753

Read a Letter from Mr Glen Governor of South Carolina to the Board dated the 16th of December 1752 containing An Account of his Proceedings in his Government in consequence of the late Hurricane and transmitting the following Papers vizt

A printed Gazette containing the Governor's Speech dated 27th Septr 1752.

A printed Gazette containing the Address of the Assembly to Govr Glen dated Octr 9th 1752.

An Act for prohibiting and preventing the Exportation of Corn Pease, & small Rice from this Province for the Term therein mentd.

Passed 7th Octr 1752

An Act for altering and amending the sixth and seventh Paragraphs of the Act intituled An Act for the better strengthning this Province by granting to His Majesty certain Taxes & Impositions on the Purchases of Negroes &c.

An Address of the Governor Council and Assembly of South Carolina to His Majesty relating to the present State of the Fortifications in that

that Province Dated the 7th of Octr 1752

Copy of Count Seckendorfs Testemonial of the Ability of Monsr de Brahme a skilfull Engineer a Settler in Georgia who has examined the State of the Fortifications in South Carolina

Monsr de Brahme's Report about the Fortifications in South Carolina to Govr Glen dated the 24th Novr 1752.

Resolved that the abovementioned Address of the Governor Council and Assembly be transmitted to the Earl of Holdernesse to be laid before His Majesty together with an Extract of so much of Mr Glen's Letter and Copies of the Papers therewith transmitted as relate to the fortifying of Charles Town; and that the Draught of a Letter to his Lordship be prepared.

Read a Letter from Mr Glen Governor of South Carolina to the Board dated the 16 Decemr 1752 relating to Indian Affairs.

Read a Letter from Mr Crokatt Agent for South Carolina to Mr Pownall dated 27th March 1753 inclosing the three following Papers vizt

Copy of a Report of George Hunter Master Gunner of Craven's Bastion Dated Septr 22d 1752.

Copy of a Report of the Situation of Fort Johnson

Johnson since the late violent Hurricane, dated Sept.r 26th 1752

Copy of the State and Condition of Broughton's Battery since the late violent Hurricane Dated 27th Sept.r 1752.

Ordered that Copies of the said Papers be transmitted to the Earl of Holdernesse with those referred to in Mr Glen's Letter

. . . .

30th. March 1753

The Draught of a Letter to the Earl of Holdernesse with the Extract of a Letter and Copies of several Papers received from Mr Glen Gov.r of South Carolina having been prepared pursuant to the Minutes of the 25th instant was laid before the Board agreed to transcribed & Signed

. . . .

6th June 1753

The Draught of a Representation to His Majesty upon An Act passed in the Province of South Carolina in 1746 for emitting £210,000 in Bills of Credit was Signed.

. . . .

11th July 1753

The

The Draught of a Report to the Lords of the Treasury upon the Memorial of Mr James Crokatt praying that the Sum of £3000 may be issued for Presents to the Indians ordered to be prepared by the Minutes of the 24th of June 1752 was laid before the Board agreed to and ordered to be transcribed.

. . . .

12th July 1753

Letter to the Lords of the Treasury upon Mr Crokatt's Memorial relative to presents for the Indians in South Carolina having been transcribed pursuant to their Lordships Orders was signed.

. . . .

5th December 1753

Read two Reports of Mr Lamb's upon several Acts passed in South Carolina in the Years 1750 & 1751

Their Lordships having taken the said Acts into Consideration spent some time therein.

. . . .

13th December 1753

Read a Letter from Mr Glen Govr of South Carolina to the Board dated in April 1753 with his observations on his Majesty's Instructions to him, in answer to the Boards Letter dated the 3rd of June 1753.

B. P. R. O. So Carolina B. T. Vol. 27. p. 333.

(11 Jan. 1753.)

To the Rt Honble the Earl of Holdernesse
One of His Majestys Principal Secretarys of State.

My Lord,

James Græme Esqr Chief Justice of His Majestys Province of South Carolina being deceased, and Peter Leigh Esqr appearing to Us to be a Person every way Qualified to serve His Majesty in that Station, We beg leave to Inclose to Your Lordship, Our Representation to His Majesty, humbly proposing that the said Peter Leigh Esqr may be appointed Chief Justice of His Majesty's said Province, and We desire Your Lordship will be pleased to lay the same before His Majesty. We are

my Lord &c

Dunk Halifax
J. Pitt
J. Grenville.
Dupplin.
James Oswald.

Whitehall
Janry 11th 1753.

B. P. R. O. So. Carolina B. T. Vol. 27. p. 334.

(11 Jan. 1753.)

To the King's most Excellent Majesty

May it please Your Majesty

James Græme Esqr. Chief Justice of Your Majestys Province of South Carolina in America being deceased, and Peter Leigh Esqr. appearing to Us to be a Person every way qualified to serve your Majesty in that Station, We humbly beg leave to Propose that he may be appointed Chief Justice of your Majesties said Province in the room of the said James Græme Esqr. deceased.

Which is most humbly submitted

Dunk Halifax

Whitehall Janry the 11. 1753.

J. Pitt.

J. Grenville.

Fran. Fane.

James Oswald.

Dupplin.

B. P. R. O. So. Carolina B. T. Vol 27. p. 335.

(12 Jan. 1753.)

To the Kings most Excellent Majesty

May it please your Majesty.

In obedience to your Majesty's Order in Council dated the 10th instant, We have prepared Warrants directing & requiring James Glen Esqr. your Majesty's Governor of the Province of South Carolina in America, to swear & admit Wm. Wragg & George Saxby Esqrs., to be of your Majesty's Council in the said Province in the room of James Graeme & Isaac Holmes Esqrs. deceased and We humbly beg leave herewith to lay the said Warrants before your Majesty.

Which is most humbly submitted.

Dunk Halifax
J. Grenville
Chas. Townshend
James Oswald
Dupplin
J. Pitt.

Whitehall
Janry 12th 1753

B. P. R. O. So Carolina B. T. Vol. 27. p. 336.

(12 Jan. 1753)

George R.

Trusty & Wellbeloved. We greet you well. We, being well satisfied of the Loyalty, Integrity and ability of Our Trusty & wellbeloved William Wragg Esqr. & have thought fit hereby to signify Our Will & Pleasure to you, that forthwith upon the Receipt of these presents you swear & admit him the said William Wragg to be of our Council in Our Province of South Carolina in America, in the room of James Græme Esqr deceased. And for so doing this shall be your Warrant, and so We bid you farewell. Given at Our Court at St James the day of 1753 in the 26th year of our Reign

By His Majesty's Command

Wm Wragg Esqr to be of the Council of So Carolina.

Superscription

To our Trusty and Wellbeloved James Glen Esqr, Our Captain General & Commander in Chief of Our Province of South Carolina in America, and in his absence to the Commander in Chief, or to the President of Our Council of Our said Province for the time

time being.

A like Warrant for George Saxby Esqr in the room of Isaac Holmes Esqr deceased.

B. P. R. O. South Carolina B. T. vol 17 K 55

(25th January 1753)

At the Court at St James's
the 25th January 1753

Present

The Kings most Excellent Majesty in Council

Upon reading this day at the Board a Report from the Lords Commissioners for Trade and Plantations together with a Warrant prepared by them directing and requiring James Glen Esqr His Majesty's Governor of the Province of South Carolina in America to Swear and admit William Wragg Esqr to be of His Majestys Council in the said Province in the room of James Graeme Esqr deceased His Majesty this took the said Report and Warrant into Consideration and was Pleased with the Advice of His Privy Council to approve thereof and to Order as it is hereby Ordered, that the Right Honourable the Earl of Holdernesse One of His Majestys Principal Secretarys of State do lay the said Warrant (which is hereunto annexed) before His Majesty for His Royal Signature

A true Copy W Sharpe

Recd Feb 12th }
Read March 9 } 1753

B. P. R. O. South Carolina B. T. Vol. 17 K 57

Whitehall 2nd Feby 1753

My Lords

I have had the Honor of laying before the King Your Lordships Representation, wherein you humbly propose to His Majesty, that Peter Leigh Esqr. may be appointed Chief Justice of His Majesty's Province of South Carolina in the Room of James Greeme Esqr. deceased. His Majesty has been graciously pleased to approve your Recommendation & has commanded me to signify His Pleasure to You, that You should prepare a Draught of the proper Instrument appointing the said Peter Leigh to be Chief Justice of South Carolina & that you should transmit the same to me, in order, that I may lay It before The King for His Royal Approbation, agreeable to the Directions contained in His Majesty's Order of Council of the 11th Day of March last past, and in my Letter to Your Lordship of the 30th of the sd Month signifying His Majesty's Pleasure thereupon

Lords of Trade

I am, My Lords, Your Lordships
Most Obedient Humble Servant

Holdernesse

Recd } Feb 6th 1753
Read }

B. P. R. O. So Carolina B. T. Vol 27 p. 338

(6 Feb. 1753.)

To the Earl of Holdernesse, One of His Majesty's principal Secretaries of State.

My Lord,

Having in Obedience to His Majesty's Commands signified to Us by your Lordship's Letter of the 2d instant, prepared the Draught of a Warrant appointing Peter Leigh Esqr to be Chief Justice of His Majesty's Province of South Carolina in the room of James Graeme Esqr deceased, We beg leave to inclose the same to Your Lordship, and desire you will be pleased to lay the same before His Majesty. We are

My Lord

Your Lordships

most obedient &

most humble Servants

Dunk Halifax

J. Grenville

Chas. Townshend

James Oswald

Whitehall

Febry 6th 1753

B. P. R. O. S. Carolina B. T. Vol. 27 p. 339

(6 Feb. 1753.)

George R.

Trusty & Wellbeloved, We greet you well. Whereas We have taken into Our Royal Consideration the Integrity and Ability of Our Trusty and Wellbeloved Peter Leigh Esqr We have thought fit hereby to require and authorize you forthwith to cause Letters Patent to pass under Our great Seal of that Our Province of South Carolina for constituting and appointing the said Peter Leigh Esqr Our Chief Justice of and in Our said Province in the room of James Græme Esqr deceased To have hold execute & enjoy the said office unto him the said Peter Leigh for & during Our Pleasure and his residence within our said Province, together with all and singular the Rights, Profits Privileges & Emoluments unto the said place belonging in as full and ample manner as he the said James Græme or any other Person hath formerly held or of Right ought to have held & enjoyed the same, with full Power & Authority to hold the supreme Courts of Judicature at such Places and times as the same may and ought to be held within our said Province. And for so doing this shall be your Warrant.

and

and so We bid you farewell.

Given at Our Court of St James this day of 1753 in the twenty sixth year of our Reign

By his Majesty's Command

Superscription

To Our Trusty & Wellbeloved James Glen Esqr. Our Captain General & Governor in Chief of Our Province of South Carolina in America, and in his Absence to Our Commander in Chief or to the President of Our Council of our said Province for the time being.

B. P. R. O. South Carolina B. T. vol. 17 K 69.

(27th March 1753)

Sir

By the Bearer hereof I send a Pacquet directed to the Rt Honble The Lords Commissioners for Trade and Plantations Containing an address from the Province of So Carolina to His Majesty also Sundry Letters & other Papers to Their Lordships from the Governour, as also in a separate paper a draught of Fortifications sent by the Governour to their Lordships.

I likewise herewith inclose Three papers sent me by the Committee of Correspondence at South Carolina, being reports from several Officers of the State of Several Fortifications at and near Charles Town immediately after the Hurricane in Septr last, vizt of Fort Johnson, of Broughtons Battery, & of Cravens Bastion for Their Lordships perusal.

I propose to wait upon the Board to Morrow forenoon, meanwhile

Cloak Lane
I am
27 March 1753
Sir
John Pownall Esqr
Your most humble Servant
James Crokatt

Recd March 27 } 1753
Read — 28 }

B. P. R. O. South Carolina B. T. Vol 17 R 70
[Inclosure to Mr. Crokatts Letter 27th Mar 1753] (22nd September 1752)
Copy

To his Excellency James Glen Esqr. Captain General Governor and Commander in Chief in and over His Majestys Province of South Carolina.

The Report of George Hunter Master Gunner of Cravens Bastion.

Showeth

That the said Bastion fronting and commanding Hog Island Channel, is the most Northern fortified part of Charles Town, and the left Wing of the fortified Front of the said Town which Front lies North and South The Bastion at high Water is surrounded on all sides by the River excepting the Gorge which joins on the East side of the Bay Street. It being thus situated was exposed to the fury of the late dreadful Hurricane and inundation the Wind then South East, whereby it is reduced to a ruinous Condition (tho' it has stood the Attack of several Hurricanes without much loss) But by this, the Flag Staff and Merlons are beat away, the Platforms tore to pieces, the

the fine twelve pounders overset, thrown and buried under the Remains of the Platforms, some of their Carriages tore from them and carried to an incredible distance tho in them the Guns were well secured by good Cap Squares forelocked. The outside Piles broke or beat away by the many Rafts of Store Houses, Frames of Bridges &c which beat up against the said Bastion by the Curtain preventing their being thrown into the Sheets, and thereby the Parapet of the Face of the Bastion has parted from the Rampart about eight Inches wide and one hundred feet in length, The Gates and Jambs burst into the (not yet found) The Dors of the Guard House and Powder Rooms bust inwards on the Floors of which were five feet Water, whereby the Powder made Cartridges &c are rendered useless, and the Walls in many places cracked The surprizing Effects of the said Hurricane and Inundation cannot be well described or even conceived, No Human Powce was able to make the least Defence.

Cravens Bastion at present is Bastion Ruin in the most strict sense, Which Your Officer for said Bastion thinks it his Duty to represent to your Excellency

September 22d 1752 George Hunter

Recd March 27 } 1753
Read —— 21 }

{Recd with Mr Crokatt's Letter
{to Mr Pownall 27th March 1753

B P R O South Carolina B T Vol 17 K 71
[Inclosure to Mr Crokatt's Letter 27th Mar 1753] (25th September 1752)

Copy

Sir
Parole London } A Report of the Situation of Fort Johnson since the late violent Hurricane

Lower Battery. All its Walls washed down almost even with the Ground except a few Yards on the East and Westermost Ends, are that split and tore almost to pieces.

The Platform of which intirely washed away but part of the Timber and Plank is thrown up amongst the Ruins and may be got up again, Every Cannon in it dismounted, most of the Carriages washed quite away, and them that remain split and tore, that they are not fit for service

Dimensions of said Cannon that lay in the Ruins
Thirteen 18 pounders } New Cannon and fit for
Three 12 Ditto } any Service

Three either 8 or 9 pounders old and unserviceable
What Shot that was on this Battery most of it saved.

Upper Fort, South East, South West, and Westermost Bastions undermined and broke down almost entire

The Curtain Line Little or no damage to the Foundation Wall

Wall, but the Merlons or Ramparts quite torn to pieces and the Sally Port almost demolished.

Buildings in the Fort. The large Barrack commonly called the old one the Roof blown quite away, all the rest of them very much damaged. The Gunners Stores, Powder &c wet and damaged.

Out Works. Outermost Gate, Bridge, Glacis &c, and every other Work intirely washed away and destroyed

Guns that remain mounted in the Upper Fort.

Five 12 pounders, very old and fit for little service
Two 6 pounders } New Cannon and fit for any service
Seven 9 pounders }

I am

Your Excellencys
most Obedt Humble Servant
Jno Lloyd
Captain & Commander

Fort Johnson
September 25th 1752
Recd March 27th } 1753
Read —— 28 }

{Recd with Mr Crokatts Letter
to Mr Pownall of 27th Mar 1753

B P R O South Carolina B T Vol 17 K 72

[Inclosure to Mr Crokatts Letter 27th Mar 1753] (27th September 1752)

Copy

The State and Condition of Broughtons Battery since the late violent Hurricane

The most part of the Walls broke down

The Platform mostly undermined

The Store intirely washed away and all the Stores gone also (except some Iron bolts and Chain which are put in the Magazine

The House very much damaged

The Kitchen, the Roof blown intirely away

The Magazine, little or no damage

The Guns are lying on the Platform

I am

Your Excellency's

most Obedt humble Servant

William Boone

To His Excellency }
James Glen Esqr }

Charles Town Septr 27th 1752

Recd March 27 } 1753
Read .. .. 28 }

Recd with Mr Crokatts Letter dated ye 27th Mar 1753

B. P. R. O. Sº Carolina B. T. Vol. 27 p. 341

(30 Mar. 1753.)

To the Rt Honble the Earl of Holdernesse one of His Majesty's Principal Secretarys of State

My Lord,

An Humble Petition of the Governor, Council and Assembly of the Province of South Carolina to His Majesty relative to the state of the Fortifications in and about Charles Town since the late Hurricane having been transmitted to Us by Mr Glen, His Majesty's Governor of that Province We herewith enclose it to Your Lordship, desiring you will be pleased to lay it before His Majesty. We likewise enclose to your Lordship an Extract of so much of Mr Glen's Letter to Us as relates to a Plan laid by him before the Council and Assembly for Fortifying Charles Town, with Copies of several papers referred to in the said Letter and laid before Us by Mr Crokatt Agent for the said Province. We are my Lord &c

J. Grenville

Whitehall — Dunk Halifax

March 30. 1753. — Chas. Townshend.

(N.B. the Enclosures in this letter have been already copied, see K. 60 and enclo: in Mr Glen's letter 16 Dec. 1752.)

B P R O South Carolina B T vol 17 K 82

South Carolina March 1753

My Lords

I have already acquainted Your Lordships that I have been honoured with Your letter of the 3rd of June last, and that I should punctually obey what was contained in the first and second Paragraphs. The last Paragraph, tho a short one requires much attention, time and care to answer it, it consists of two parts, the first regards my general Instructions, these I have often read, revised and considered, and am so well acquainted with that I am sure I shall find abundant reason to admire (as I have often done) the Wisdom that framed them, and shall therefore be apt to doubt my Judgement, and even experience its self should I point out a few things which might be wished altered in them, the other part of the work assigned me is to consider with the strictest attention my Instructions which relate to the Acts of Trade and Navigation, this being the most difficult part, I chuse to begin with it and shall make it a distinct letter and mix nothing with it, but tho I thus divide my labour I am affraid

Your

Your Lordships will find my letter sufficiently long
In order to be able to make proper observations it appeared in the first place necessary, to peruse once more all the Acts themselves that regulate our Commerce and Navigation, for tho I had often read them I had never studied them before, so as to be able to write upon them, and I was soon convinced that this Task which I enjoyned myself, would prove a very tedious one, for these Laws are far from being so clear as he that runs may read them, on the contrary they are dark and difficult, they have been made at different times and Penned by different Persons, who seem not to have had the same view of things, and when their sense may have been the same, they have expressed it in very different words, When I imagined I was pretty much Master of these Laws, I compared the practice here with them, and I endeavoured to get the best information I could, what was the practice in other Provinces, or in Great Britain, and from the whole I have formed my Opinion, and have drawn observations, but with what success or appearance of reason is not for me to determine, I submit them to Your Lordships exact and unprejudiced Judgement; I can safely say that they
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are at least as disinterested as the remarks of any Governor can be, for I am not concerned in Trade directly or indirectly; I have not confined these Notes to such part of my Instructions only as appeared to me liable to objection, but I have touched each Article and have pointed out where, in my humble Opinion they may be altered, and where the Practice may be corrected, having in so doing exceeded the limits prescribed me in your letter I must have recourse to Your Lordships constant Candour and Goodness in passing over and pardoning the length of my letters, and proceed to.

Art 1st This Article after reciting the several Laws relating to the Plantation Trade, requires that the Governors should take a Solemn Oath to do their utmost that all Clauses Matters & things contained in them should be punctually & Bonafide observed This Oath I took before His Majesty in Council and I renewed it after my arrival in this Province and I can safely say that I have religiously observed it and I hope that all Governors do so, for tho our practice differs from one another yet I presume that is owing to our understanding those Laws in a different sense

Governors are to do their utmost to enforce the observance

observance of the Laws, but I am affraid all they can do is very little, In England indeed if the Laws of Trade are not punctually observed it must generally be owing to the negligence or connivance of Officers there being Cruizing Vessels to intercept the Smugglers at Sea, Riding Officers to intercept the Goods on Shore, Searchers, Tide Waiters, Land Waiters, Officers to watch in the Night, others to tend in the day, and Officers kept on board all Vessels; But here we have few or no Officers, and these I believe never attend either the loading or unloading any Ship, and it is not possible they should attend all, there are for example at present fifty nine Sail of Vessels in this harbour, some loading others unloading at a dozen of different Wharffs all along the Bay, a Street of half a mile in length, how can this great mass of business be transacted by a Collector a Naval Officer and two Searchers wch are all the Officers that are in Charles Town. We have two more Ports of Entry George Town Winiyaw about 60 or 70 miles to the Northward, and Beaufort Port Royal about as much to the Southward at each of which there is a Collector only all our Coast besides, extending above 150 miles, is entirely open, and full of Rivers, Creeks, and Inlets, where

where Vessels may unload at pleasure without great Risque of being disturbed, in like manner they may load enumerated Goods, or such as are prohibited to be exported and carry them to Foreign Ports, besides as our Produce is bulky most Planters keep large decked boats, to bring it to Market from the distant Rivers and Plantations to one of the three Ports of Entry, these Boats are kept as Coasters, but they are capable of performing foreign Voyages, and are under no regulation of entering or Clearing at any Office.

Some years ago I was assured that there was very little illegal Trade carried on here, but I presume they have meant comparatively with regard to some other Provinces, for I am now convinced and know for certain that there is a very considerable illegal Trade in this Province, injurious to the fair Trader, highly hurtful to the Kings Revenue, and destructive to the Manufactures of Britain, & I see it is a growing evil, but I can think of no Expedient so likely to prevent it, as a greater number of diligent Officers from England that know their duty and if Governors were full empowered to dismiss such as misbehave,

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connive at frauds, or are grossly negligent, and remiss at least to suspend them, and appoint others till directions were sent from the Treasury Your Lordships Board, or from the Commissioners of the Customs I am persuaded it would have an excellent effect: but I believe a Governor will not care to have contests with a Comptroller about the power of appointing Officers, for they claim that Right, nor can it be very agreeable to him, after he has seen occasion to make some alterations to have all that he has done overthrown, by a letter from the Surveyor General from the remote parts of Virginia; It is several years since I informed Your Lordships, how necessary another Searcher and two Waiters were for this Port, but I cannot think the business can be done with less than four Waiters and if there were a Searcher and one Waiter at George Town and the same at Beaufort Port Royal, they would soon save three times their Sallaries to the Revenue, and in a great measure put a stop to illicit Trade; Notwithstanding the several remarks which I have made upon this Article, and the inconveniences that I have pointed out, which I hope Your Lordships, or the Commissioners of the

Customs

Customs, will provide some remedy for, yet I am of Opinion that this Instruction as it at present Stands may be very proper to be continued.

2d The Officer mentioned in this Paragraph is generally appointed by His Majesty, by His Mandamus or Sign Manual to the Governor to Commissionate him in the Colonys, and he generally gives Security to the Commissioners of the Customs, and appoints a Deputy, but it were to be wished that more care were taken in the nomination of these Deputies; about four or five months agoe, one Mr Raper produced to me a Deputation from the Gentleman who I am informed, has the Sign Manual for that Office, but I acquainted him, that as the Gentleman had never been here, nor had ever sent the Sign Manual, or had any Commission, neither did it appear that he had ever given Security to the Commissioners of the Customs, nor had ever any person acted by virtue of a Deputation under him, I thought it would be more proper if Mr Raper had a Commission from me, upon giving Security to pay the Gentleman in England the Sum that he had agreed to pay for being his Deputy, and by this means he would have a power also of appointing Deputies at Port Royal

and

and George Town, which he could not do if he acted by Deputation, and I accordingly gave him a Commission, but his behaviour soon gave me reason to think that I should be in a very dangerous Situation to stand his Security, & therefore I recalled my Commission, and told him if he acted any longer it must be by virtue of his Deputation, and I accordingly qualified him as Deputy Naval Officer, and soon after he produced to me a Certificate from the Commissioners of the Customs, that his Principal had given Security according to Law; I shall have occasion to take notice of his conduct under some other Head, and at present only take notice that it is impossible that any Gentleman who has never been in America, and is wholly unacquainted with the People of the Provinces, can be so good a Judge of the merit & fitness of any of them to execute any Office, as a Governor, and as the persons who procure such Deputations, seldom look upon themselves as bound to observe or follow the Governors directions, I humbly propose that some words to the following purpose may be added to this Article.

And whereas great prejudice may happen to our Service

Service by the absence of the Person so approved of by the Commissioners of the Customs, therefore it is our Will & pleasure that immediately upon such his absence, you do appoint some other fit and well qualified person to execute the said place taking care however that the Persons so by you appointed do give Security not only for the true and faithful performance of their duty, but for being accountable to the Person who hath given security to the Commissioners of the Customs, for a full Moiety of the Profits accruing during his absence, and in the mean time you our Governor shall be answerable for any Offences Neglects or misdemeanors of the Person or Persons so by you appointed, agreeable to the aforesaid Act, for preventing frauds and regulating abuses in the Plantation Trade, made in the Seventh and Eighth years of the Reign of King William the Third

3d This Article my Lords is a very important one as I am assured, that my sense, and interpretation of it, and of the Laws upon which it is founded differs widely from the Practice of most other Governors, but Mr Grenville I shall state the matter to Your Lordships.

The Merchants contend that the Spaniards should be

be permitted to import in their own Vessels Gold
& Silver, Logwood, Cochineal, &a the Produce of their
Colonys, and carry off European Manufactures, and
East India Goods, legally imported hither from Great
Britain, I alledge that it is against this Article of
my Instructions, and against the Acts of Trade
which I am sworn to observe, to permit Foreigners
to carry on any Trade, to, in, or from this Province
in Vessels Foreign built, wholly owned by Foreigners,
the Master and Mariners of which are also Foreigners
But as I have often wished that some liberty un-
-der proper limitations were indulged the Spaniards
I shall humbly submit the few following Reasons
I need spend no time in satisfying Your Lordships
how beneficial it would be for the Kings Colonys
did the Spanish Laws permit us to Trade with
the subjects of that Crown in their American Dom-
inions but the Golden Fleese is guard by Watchful
Dragons and tho their Governors sometimes connive at
small Cargoes when they are in great want of such
Commoditys, and tho the Officers in others Ports not
under the immediate Eye of any Governors, are not so
rigid, but that they may be mollified with what
is commonly called a Present, yet when a tempting Seiz-
ure

seizure offers they seldom fail of laying a heavy hand upon it. But suppose that our Traders get clear of these greedy Harpyes, yet they have Squadrons of Guarda Coastas to sail through, so that this sort of Trade & Navigation is very dangerous, and those that shun being swallowed up by Charybdis often fall into Scylla.

All these dangers and difficulties might be avoided were Spanish Vessels allowed to come here. there is no risque of their carrying off enumerated Goods, they are too bulky to be smuggled, and there is less danger of their supplying us with the Manufactures of Europe or East India Goods, for it is for those Commodities they would come here, but this Port being shut up from them they bear away for other Ports, and carry that Treasure to Cape Francois, and the French Islands, or to Curacoa, which which they would willingly leave here, this not only prevents the Sale of English Goods and Manufactures, but gives our Rivals in Trade great advantages over us, for they will not only by that means have a vent for their Manufactures, but they will be much Cheaper supplyed with Logwood, Cochineal, and other Drugs which are absolutely necessary in those

Manufactures

Manufactures, from their own Settlements, whilst our Manufacturers must have them from Old Spain where they pay a heavy Indulto to the King and consequently they must come dear; nor does it appear that such a Traffick as is contended for would be prejudicial to the British Navigation, for it is evident that by supplying the Spaniards with Goods here, the Freight from Britain hither would be gained, and by sending the Goods we get in exchange to Britain the Freight home would also be gained to the English Shipping; we are not restrained by our own Laws to Trade with them in their Ports, the difference of making the exchange of our Goods for theirs at Cuba perhaps at St Augustine, or at Charles Town, is too immaterial and inconsiderable, to be put in ballance with the risque we run of being Seiz'd or at least squeez'd, and besides what I have said above I might add that the Port Charge is very great and in small ventures eats up the gain.

The Navigation Act, tho very perfect considering when it was made, almost in the infancy of our Trade, yet was afterwards altered and amended by the 7th and 5th of William the third, and perhaps it may still need some small alteration in this particular, or possibly

possibly my interpretation of these Acts may be too narrow, and when it is said that No Goods or Commodities whatsoever are to be imported into or exported out of any of His Majestys Colonys or Plantations but in British Shipping and from Great Britain, with what Goods we may want for the consumption of our Colonys ought also to go to Britain in British Shipping, but that it never could be intended to Prohibit the Spaniards from landing their Logwood and Cochineal their Gold and Silver &c to be given in exchange for British Manufactures, for such exchange or Trade is not with this Colony, but with Great Britain via Carolina, perhaps I might add that there are other Acts of Parliament particularly the 5th of His present Majesty, intituled An Act to prevent the exportation of Hats from the Colonys &ca where the words are full as strong as in this or in any other Act, and yet I apprehend they cannot be understood in such a sense, for by that Act no hats or Felts whatsoever, dyed or undyed, finished or unfinished, are to be Shipped in any of the British Plantations upon any pretence whatsoever, or Loaden upon any Horse or Cart, to the intent to be exported to any other Plantation or to any other place whatsoever

whatsoever by any Person or Persons whatsoever. Words can hardly be stronger, and yet I presume they never were meant or intended to extend to British made Hats, and the words dyed or undyed finished or unfinished imply as much; The Cloathing for Governor Tinker's Independent Company was sometime ago landed here from England and carried in another vessel to Providence, but I think that this Act of Parliament, strong as the words seem to be, cou'd never have justified Seizing or Stoping the Hats, in the Act for the further regulating the Plantation Trade, of the 15th and 16th of the present King the words are equally strong, and yet it appears clearly by the Preamble, and by other parts of that Law, that nothing further is intended than to prevent the covering of Foreign Vessels with British Registers, or in other words, to prevent Foreign Vessels from Foreign Countries to supply the Colonys with such Commodities as we want for our Consumption, or to carry off our Produce; Upon the whole it is to be wished that in some New Acts this matter were further explained, or that Governors were allowed to give this favourable, and benign Interpretation to the present Acts, or that some directions might be given

given them to act uniformly, for while one thinks himself at liberty to permit it, and another looks upon himself as bound to prevent it, there must be great grumbling and uneasiness.

4th. This Article is litterally observ'd nor have we ever abused the indulgence we have by Law of Shipping our Rice by licence directly to any part of Europe to the Southward of Cape Finistore, but I must observe to Your Lordships that by the 7th Paragraph of the Act for encouragement of Trade in the 15th of Charles the 2nd the Western Islands and Madera seem to be deemed parts of Europe altho they really are not, they are I suppose supplyed by Smugglers by which means the duty which the Fair Trader would pay could he send Rice thither by Licence is lost, it is also greatly to be wished that we had the same indulgence to carry our Rice to the Northward, a liberty that was some years agoe given to the Sugar Islands, and at that time I was assured by the Ministry that we should have such liberty, and I was in hopes of obtaining it by a Clause in that very Act, but Mr John Sharpe and Mr Ashley who I think Sollicited that Bill, did not care to

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croud too many things into it.
5th Care is taken that proper Certificates be produced that Vessels have given Security in Britain to carry thither their Ladings of Plantation Goods or Bond is taken here, for their so doing, and if proper Certificates are not produced of their having discharged, their Ladings accordingly, the Bonds are put in Suit, the Condition of these Bonds is within 18 months to produce Certificates agreeable to this Instruction, and the Act upon which it is founded, but by an Act of Queen Ann the time seems to be prolonged to three years, the Court indulges two years more, so that there is no reason to complain, of any hardships, and yet a prodigious Clamour was raised here about seven years agoe, upon putting this Instruction or rather the Acts of Parliament in execution, One Alexandr. Murray had at that time been Naval Officer a person so extremely remiss and negligent that he had made no entry in his books for the space of two years, nor had bond been taken for great numbers of Vessels, as the Law directs and most Bonds had been suffered to expire without having been put in Suit altho no Certificates had been produced

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to Cancel them, upon his Death I appointed Mr Hunt a most worthy Gentleman obliging him however to give Security to pay to any Gentleman that might have the Sign Manual for this Office what was usually paid by Deputys which I think is £90 or £100 ℘ Annum. Mr Hunt appointed Mr Hopton His Deputy, a Gentleman who had been long in the Custom House in Bristol and of so clear a head, that he waded through this Chaos and instead of confusion restored order and regularity to that Office, Clamour in the beginning of this Reformation was unavoidable, and it was chiefly against me, and I remember there was none louder than the Person who at present executes this Office who went about exclaiming against the Practice of putting Bonds in Suit, as being burthensome to Trade, all this however subsided, by the prudent and discreet conduct of Mr Hopton who constantly went to the Merchants himself to put them in mind to send for Certificates to Cancel their Bonds and never put one in Suit without going a Second time to enquire whether they had received the Certificates, but this Depy notwithstanding his former complaints has lately without acquainting me (as it was his duty)

put

put into the Attorney Generals hands seventeen Bonds with directions to put them in Suit, some were within 2 days of expiring and some wanted near two years this again made a great noise. and when he was asked by some of the Gentlemen who were Sued, the reason of such unprecedented severity, he told them it was by the Governors directions, altho the directions I had given him were quite contrary.

There are no directions how Certificates should be signed to discharge Bonds given for enumerated Goods Shipped here for other British Plantations, sometimes they are under the hands & Seals of the Collector, Controller & Naval Officer, sometimes of two, and sometimes of one of them only, yet I have no reason to think that any of them have been counterfeited, but I believe it is certain that some of them are false, for Vessels have given Bond here for enumerated Goods to be landed in some of the Northern Governments, but they have Sailed directly to Holland with them, and in a month or two after their leaving this Port Certificates of there having discharged their Lading in such Northern Government has been produced, altho it be

certain

certain, that they never touched there. The Commiss-
-ioners of the Customs have been apprized of this
Practice.

The Security given is by persons of known
Residence and unsuspected ability, but it is not easy
to know certainly mens Circumstances.

6. This Article is observed.

7. It seems probable that this Instruction was
given at the first settling of the Colonys. The
Collector of the Customs and Naval Officer send
each such Lists Quarterly to the Commissioners of
the Customs, and the Master of each Vessel has
at his Clearing a Certificate of the contents and
quality of his Lading & that he legally Loaded
the same, under the hands and Seals of the Col-
-lector Comptroller and Naval Officer to deliver to
the Collector of the Port to which the Vessel is
bound, But for Ships Loading Rice directly for the
Southward of Cape Finistere the Licence with the
weight of each barrel endorsed on or annexed to it,
and a Certificate of the Neat Weight of the whole
Cargoe, is delivered to the Master, and a duplicate
of the Licence with the like neat weight of the
whole Cargo, is sent by the Collector of the Customs
to

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to Great Britain by one of the next Ships to Ascertain the weight to be paid duty for.

8 & 9 The Laws upon which these Articles are founded are the Bulwarks of the British Trade, and therefore the smallest breach in them ought to be carefully guarded against. It is the duty of Governors to be awake themselves and be watchful over inferior Officers entrusted with the immediate execution of them; they ought to be above being awed by the Clamours of the People, and above the suspicion of being swayed or seduced either by their good words or good deeds and he that is very covetous of either is the Slave of the People, and forfeits the freedom that is absolutely necessary for his King and Countrys Service But I must observe to Your Lordships the many difficulties that a Governor has to struggle with in the first place there is no fund whatever for carrying on Prosecutions, at least there is no person that thinks he has power to apply the Kings money to such purposes, and the Sallary and Lawful perquisites of the Officers of the Customs afford them but a bare maintenance (almost every Article of expence being greater than in England) and consequently they are incapable of defraying the

Charges

Charges of a Prosecution which here are very great whereas the Owners of Ships are generally Rich men and will grudge no expence to defend their Property, and to ruin those Officers who are so hard as to be honest, and this they will do even when they know they are in the wrong, in order to terrify others from doing their duty, and what is wonderful many fair Traders, tho greatly hurt by illicit Trade will be ready enough to Joyn their heads & Purses against such Officers, perhaps from an ill grounded apprehension, that the Condemnation of Vessels upon any account may deter others from venturing here, I shall beg leave to state to Your Lordships two or three Cases that have happened in this Province within these five years (byl)

About 2 Years agoe a Ship put into this Port in distress from the Bay of Campeachia with Logwood, the Master acquainted me that sometime before, he had the misfortune to be taken by the Spaniards trading contrary to their Laws and that his Vessel had been condemned, but that having met with some friends, they supplyed him with money to enable him to purchase another Vessel and Cargo of Logwood &ca with which he said he intended to

to go to Jamaica, but meeting with bad weather he put into this Port, he had no Register but produced a Bill of Sale of the Vessel and Cargo from Foreigners to him, and made Oath that the Vessel was of the built (sic) of Ireland and Navigated by His Majestys Subjects, and the price of Logwood being high here, he landed and sold a considerable part of the Cargo, at the same time it was surmised, that the Vessel and Cargo were Spanish property, and that she was Navigated two thirds by Spanish Sailors, there being fourteen Spanish Mariners on board, and but six English, two of which had been hired in this Port, to help him to unload, several of the Spaniards were examined in the presence of the Collector who took down their Examinations in writing, and tho they were separately examined, yet they all agreed and confirmed the above Reports and said they were paid Wages as Sailors on board her and were bound for Carthagena whereupon she was seized by one of the Searchers and Libelled in the Court of Admiralty, but the Witnesses were afterwards practiced upon by some Spanish Gentlemen on board the Vessel who were the real Owners of the Ship and Cargo, and being carried before a Magistrate

made

made Oath that they were only Passengers and as to the property of the vessel and Cargo they believed it was British, upon which the Attorneys & Lawyers said it would be in vain to proceed and advised the Officer to drop the Prosecution, which he accordingly did and being threatened to be Sued for damages he represented to me, that it would prove his ruin for that he had no money to pay damages or even the expence that had been incurred by the Suit, and tho the seizing was entirely an Act of his own without any order or direction from me yet I imagined it might be for the good of the Service to save him harmless I therefore paid the Fees of the Court, the Lawyers Accounts and gave a Sum of money to quiet the Captain, this amounted to more than the Officers whole years Sallary and also would have been impossible for him to have paid, and therefore I did it out of my own Pocket

I formerly acquainted Your Lordships of the Condemnation of a dutch Ship here for illegally Trading in His Majestys Collonys I must beg leave to be fuller upon that particular.

during the War a Ship said to be bound from Holland to Curacoa, was carried into Jamaica by one of

of His Majestys Ships for carrying contraband Commodities to the Enemy, but being acquitted she set sail for Curacoa, and after having been a considerable time at Sea she put back to Jamaica under pretence of refitting and Sailing from thence a second time the Captain for a considerable reward carried off with him a Gentleman whom he knew to be largely in debted in Jamaica, she was afterwards met with by a Jamaica Privateer, who brought her into this Port as a Prize, upon the same pretence of her Trading with the French and Spaniards, but she was here in like manner acquitted, the Captain however appealed from that Decree to the High Court of Admiralty in England, and gave Security to Prosecute the same, but while this matter was in Agitation here, the Gentleman who was carried off from Jamaica, said that if she escaped that Prosecution, she ought at least to be condemned for Trading illegally in Jamaica, and that the Captain had frequently told him in the Passage that he had sold great quantitys of Goods there, not for money to defend his Ship in the Court or to pay for refiting his Vessel, for that he had an unlimited Credit, but because he

he sold his Goods at a better Market, than at Curacoa, and the Dutch Sailors themselves made no secret of this telling publickly that many Goods had been sold by the Governors permission, and many without his knowledge, that the Naval Officer had sold some publickly, but that the Captain had sold many privately, and that they had carried some ashore in the day time which were lodged in the Kings Warehouse, but that they had also carried great quantitys on shore in the Night time by the Captains orders who had sold them to private Familys, that these consisted in Linnens Woolens, and East Indian Goods, upon this one of the Officers of the Customs took the opinion of one of the most eminent Lawyers in this place whether the Vessel could be prosecuted for such Practices, and if it was probable that she would be condemned, his answer was, that there could be no doubt that such a Trade was illegal but that the Prosecution would be attended with very great expence, and therefore it would not be prudent for him to undertake it, for that the Dutch were very Jealous of their Trade and might probably make a National concern of it, which discouraged

that

that Officer and made him disist, however there being the most pregnant Proofs of every particular circumstance, and the Attorney General being clearly of opinion, that all these doings of the Dutch Master were contrary to Law, and that the Vessel if prosecuted would be certainly condemned, the Naval Officer thought it his duty to Seize her, but at the same time he acquainted me, that the Circumstances of his Family made it impossible for him, to proceed with the Prosecution I told him that I was convinced of the necessity of carrying it on to prevent such practices for the future, money should not be wanting, and accordingly the Attorney General, the present Chief Justice, and some other of the most eminent Lawyers here were retained and the Vessel was Libelled in the Court of Admiralty and after a Suit which lasted about 7 months and proved not only a tedious but a very expensive one, having cost me near £1000 Sterling She was Condemned; from this Decree they appealed to the High Court of Admiralty in England where they again spun out the Proceedings for several years purposely I presume that the Ship and Cargo might perish and

so

so be lost, to those to whom she must be finally Decreed upon a full hearing, for neither the Ship nor any part of the Cargo were sold but the Goods were put into Warehouses under the Joynt Custody of the Collector for the King, and the Dutch Agents and tho the Naval Officer who by the Decree thought himself Interested in the Ship and Goods offered to be at half the Expence of sending the Ship into the Freshes, that she might be kept from the Worms, and desired that the Goods might be aired, the Dutch Agents opposed it, and the Judge of the Admiralty here having been served with an Inhibition from the High Court of Admiralty in England, did not think himself at liberty to Grant any order for that purpose, and that this was evidently their design appears from their affected delays in England, and their declining to enter upon the merits of the Cause, having only gone upon the point, that the Judge here had no proper Jurisdiction, altho they acquiesced in it at the Tryal here. The Proctors Bill in Doctors Commons has cost me £400 Sterling and it is now before the Delegates and if their Lordships should be of Opinion that the Judge

had

hdd no proper Cognizance still that does not determine the Cause, the Merits must be tryed in Westminster Hall.

Your Lordships know that imediately upon the Condemnation I acquainted His Grace, the Duke of Bedford, with the whole transaction praying that he would give directions to the Gentlemen employed to support the Decree either to proceed or desist, but he declined giving any directions I also made an offer of my third to be disposed of at His Majesty's pleasure; This has created me infinite trouble and a very large expence, the Naval Officer must otherwise have been absolutely ruined, for doing what his conscience dictated to him was his duty & for wch he had the opinion of the most eminent Lawyers here, His example My Lords, has so terrified the Officers of the Customs, that many of them are deterred from doing their duty even in what appear to me to be clear Cases, a late example of which I now lay before Your Lordships.

One James Abercromby Master of the Ship St Andrew belonging to John Stedman of Rotterdam lately set Sail from Holland bound to Philadelphia with Palatines, and having put them on Shore he took

took on board a Cargo of Bread, and Flower for this Port, and upon his arrival here he entered at the several Offices, giving in an Inventory of the said Bread and Flower, and making oath that he had no other Goods whatsoever on board, but as he had used this Trade for many years and has constantly Smuggled Cargoes of Dutch Manufactures, the Naval Officer and two Searchers went on board his Vessel to visit her four or five days after she had been in Port, and had begun to unload and immediately found two Boxes containing Hollands, Cambricks, Velvets and printed Callicoes for which he had no Cocquet or other Custom House dispatch to shew they were Laden in Britain to the amount of £100 Sterling and upwards Prime Cost in Holland as they were Appraised by some Persons in this place acquainted with the Prices of such Commodities, I was afterwards made acquainted with this Seizure by the Naval Officer, and one of the Searchers, who told me that they had known him guilty of this Practice formerly, & had cautioned him against it, upon which I desired them to do their duty, telling them that the Ship was liable to Seizure, as well as those Goods, and that it

it was impossible to be too strict in such cases for that the King was not only by such means defrauded of his dutys and the fair Trader great-ly injured, but that they had a tendency to cut up the British Manufactures by the Roots, but the Collector acquainted me that he apprehended that they were discouraged & deterred by the expence I had been led into upon such an Account, which made me give them Assurances that I would defray a share of the expence whether they succeeded in the Condemnation of the Vessel or not, but that the Case was so clear as not to admit of the least doubt or difficulty, and the Attorney General gave them a Signed opinion to the same purpose, provid-ed there was sufficient proof that the said Goods were imported in the said Ship, and upon asking them whether they had two Witnesses who were to gain nothing by the Condemnation, they acquainted him that they had agreed before they went on board to share equally all that should be seized and had not provided any other Witnesses upon which Mr Roupel one of the Searchers added, that if the Share that he was intitled to by Law would set aside his Testimony, he would very readily relinquish it

it & said that he thought it was the duty of the other Officers to do so, but neither of the other two would either Seize the Ship or relinquish their share so as to be evidences for the Condemnation if seized, however this did not discourage Mr Roupel from seizing the Ship as forfeited, not doubting but these Gentlemen would soon see their duty, but upon their proving obstinate he was forced to drop the Seizure of the Ship and only Libelled the Goods which were condemned of Course as no one Claimed them, however I still insisted that the Vessel ought to be seized, but in the mean time the Master carried her off in the Night time without Clearing at any of the Offices, the Deputy Naval Officers conduct in this and many other instances relating to his Office is in my opinion highly blameable, I shall therefore suspend him when I can find a proper person to execute that Office, who will give security to the Principal to pay him the same sum that he receives from the present Deputy.

10. There are no Laws or By Laws in this Province repugnant to the British Laws relating to Trade.

11. This Article has been constantly observed and complied

complied with

12. This Article is in like manner constantly observed and complied with.

13. All that is in the power of the Governor to do has been done to enforce the observation of this Article, but notwithstanding the vigilance of the Officers it is to be feared, there are great quantitys of Foreign Rum Molasses and Sugars clandestinely imported into this Province without paying the duty.

But perhaps the method in which this Act is put in execution by the Officers of the Customs here with regard to Foreign Rum Sugar, and Molasses not clandestinely imported may also be detrimental to the Revenue, at least I cannot find any foundation for their Practice in that Act, for the Act is extremely particular that the Dutys thereby imposed shall be paid down in ready money by the importers thereof before landing the same and in case of landing or being put on Shore before the Dutys are duly paid, they are forfeited and may be seized by the Governor &ca and there is no Clause or Sentence throughout the whole Law for drawing back this Duty on its being Reshipped but it has lately come to my knowledge, that when any

any of the said Goods or Commoditys are intended to be Reshipped, there is no duty whatever paid, either before, at, or after Landing, but they may be sold to other Merchants, and sent off in other Ships to any Port whatever, this I think is evidently against the Letter of the Law, and in my humble opinion is equally against the spirit of it, and would have a tendency to defeat the very intent of making it, wch was to give some advantage and relief to His Majesty's Sugar Colonys and to enable them to carry on the Sugar Trade upon an equal footing with foreign Sugar Colonys.

14. 15. & 16. These Articles are also duly and litterally observed here.

17. As the Naval Officer is by the Acts of Trade considered as the Governors Officer, he has generally by the Governors direction carried on the Correspondence with the Commissioners of the Customs, but as there are several things contained in this Letter fit for them to be advised of and which cannot be so properly convey'd to their knowledge thro' that Channel. I propose to send them a Duplicate of it, the management of the Revenues of the Customs is by that Board under the imediate authority and directions of the

the Commissioners of the Treasury, and if the Lords Commissioners for Trade and Plantations had power and Authority by Act of Parliament, or from His Majesty to give directions for ordering and regulating the Trade in the Plantations it would in my humble opinion be attended with many happy consequences and would confine the Correspondence of the Governors in a great measure to that single Channel agreeable to what seems to be His Majestys intention by his late order in Council.

18. I have no observation to make upon this Article.

19. This Article I conceive to be of great importance and the Laws that direct how Vessels Trading to the Plantations are to be Registered ought to be duly observed tho cases sometimes happen that seem not agreeable to these Laws, but when there is reason to apprehend, that there is no fraud intended they have been constantly passed over, there are some Practices however that have hitherto been permitted that I think may have very bad consequences, should they be continued, and the Vessel that I have before taken notice of called the St Andrew I have reason to believe was in those Circumstances, Jno Stedman a British Merchant residing in Holland gave directions to

to have a Ship built at Boston in New England, a part of the money is advanced to the Builder to enable him to go on with the Vessel, another part upon her being Launched, and the remainder before she sets Sail, but that she may be Registred in order to be in a Condition to take in a Loading the Builder makes Oath, that the said Vessel belongs to him (he having not hitherto received the full payment for her) and to John Stedman a British Merchant residing in Rotterdam, presently after he receives the Remainder of the Sum that was due to him, and so the Sole property becomes vested in the said John Stedman and the Vessels continues to be employed in Trade between Holland and America for many years under that Register, without any alteration of it, and it is believed that most of the Ships belonging to that Gentleman, and to other Merchants residing in Foreign Countrys Trading to America, and partly owned by Foreign Merchants, their Neighbours and friends, where they respectively reside, but were it not so I am in some doubt how far a British Man residing constantly with his Family, and Trading in a Foreign Country, and probably sworn to the King or Lord of that State can be equally entitled

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entitled to Trade to, or from and in His Majestys Plantations, as if he was an Inhabitant in Great Britain, or the British Plantations, and the 14th & 15th of Henry the 8th Chap. the 4th seems to imply that he is to be considered as an Alien, while he abides in such Countrys.

There are other less material Observations wch I shall make upon this Article. Vessels for instance are often Registered in some Port in Great Britain tho wholly owned in the Plantations, a ship belonging to New York is Registered at Cowes, she sails from thence to New York, and makes a second Voyage to the Leeward Islands, and from thence comes to Carolina, this is certainly against the Letter of the Law, but it would be too severe an Interpretation of it to Seize such Vessel here when the fault perhaps is to be laid to the charge of the Officers either at Cowes or New York, This Article and the Law takes care that in granting a new Register for a Vessel the former one shall be delivered up to be cancelled, but I know of no Law or Instruction that takes notice of the Registers of Vessels that are sold to Foreigners broken up or lost. The Act of the 15th and 16th of his present Majesty provides against

Cases

cases that happen not so frequently as some of the others, that is where a Master loses or mislays his Register he must then in order to obtain a new one or a Certificate for the Voyage make oath that he hath not disposed of his Register or knows what is become of it and give Security in 500 or £1000 Sterling that no illegal use has been or shall be made thereof and that if found it shall be delivered up to be cancelled, I do not say there is an occasion for any Instruction on this Head, but the observation is made with a view to uniformity

20th This Article I conceive to be a very proper one, and is duly observed here, nor have any breaches of it ever been attempted, the Wool of our Sheep is mostly used in Stuffing Chairs, Saddles, Mattrasses &ca, but I informed Your Lordships that during the War our Planters were reduced to so low an ebb, that they could hardly afford to purchase necessary Cloathing for their Negroes to keep them from the severity of the Weather, they were therefore obliged to work up their Wool, and several in a short time came to such a perfection in Manufacturing it that the Stuffs and Camblets made by them were fit for

for Gentlemens Ware, but they were soon made sensible that the labour of their Negroes might be employed to better advantage in making Indigo and in raising some other Commodities, the Rice at that time would not answer, so their attempts in the Cloathing way was soon left off, and for many years past there has not been the smallest endeavour to continue it

21 There is no Tobacco exported from hence that I know of, what little is made here is by the Negroes, for their own smoking and what we ourselves consume is imported ready Manufactured from Great Britain yet as Tobacco will grow here, this Instruction may be proper to be continued.

22nd. There is no instance of any Ship either Foreign or British having ever appeared upon the Coast of this Colony from the East Indies, and if any Such should ever arrive, the greatest care shall be taken to prevent them from breaking Bulk, or disposing of any of the Goods, or Negroes that they may have on board There are some words in this Article that perhaps might be softened, without weakening the force of it consistently enough with what I presume was the principal intention of it, namely to prevent Trading

or exchanging the Merchandize of the East Indies for the Commodities of these Countries, the words I mean are" Do give notice to the Masters or other Persons having the Command of such Ship or Ships forthwith to depart out of the limits of your Government without giving them any relief, support, aid or assistance altho it should be pretended that such Ship or Ships were, or the same really should be in distress, want disability, danger of sinking, or for, or upon any other reason or pretence whatsoever.

Some of the observations which I made upon the fifth Article might be repeated and enlarged upon here but I rather chuse to refer to them.

I am sorry that the conduct of any Governor should have given occasion for some of the words in this Article which I am affraid may be considered as a standing charge against every Governor and therefore I wish their Names had been inserted in this Article, or that a few words were left out," Namely, that abuses must arise from the remissness of connivance of such as have been or are Governors.

The Laws lay Governors under the obligation of a Solemn Oath they inflict pecuniary penaltys and

and subject them to other incapacitys, and they are sure to receive the most rigorous marks of His Majestys highest displeasure should they fail in the due observance of these Laws and Instructions by any wilful fault or neglect, no Governor in his right senses will be bold enough to treat these matters in a light manner, the Trades of Great Britain and His Majestys Revenues are greatly inter-ested in his behaviour, and therefore he will doubt-less cause them to be well and truly observed, but I wish His Majesty would be graciously pleased to lodge a power in his Governors to mitigate or soften the rigour, and severity of these Laws for it some-times happens that some of His Majestys faith-ful Subjects the fair Traders fall under the let-ter of these penal Statutes either by ignorance or inadvertance and sometimes by the neglect of their Servants & thereby run the risque of ruin tho there is no fraud intended.

As I think it my duty to censure and condemn the conduct of some of the inferior Officers of the Customs I should deserve blame if I did not acquaint Your Lordships that the Comptroller and collector of the Customs are Gentleman of perfect

honour

honour of great abilitys and diligence, and it is with the greatest diffidence of my own opinion, that I have submitted these observations upon the Laws as they differ I believe in some points from the opinion and practice of the Collector, but as Your Lordships expected my own sentiments I have sent them purely as such

I am with the greatest Respect

My Lords

Your Lordships

most obedient and

most humble Servant

James Glen

Right Honoble

Lords Commissrs

for Trade & Plantations

Recd August 20th } 1753

Read April 5th } 1754

B P R O South Carolina B T Vol 17 K 73

(4th April 1753)

South Carolina

To the Right Honourable the Earl of Halifax and the other Lords Commissioners of Trade and Plantations

The Humble Petition of William Simpson now of Charles Town South Carolina

Sheweth

That your Petitioner on the Eighteenth day of May last agreed with And paid to John Hammerton Esqr Patentee and Register of the Province of South Carolina in America a certain sum of Money for a Deputation from him for the Office of Register of Mortgages and Mesne Conveyances of Lands of the said Province.

That your Petitioner at a considerable Expence did Repair to this Province in order to be admitted And take Possession of the said Office and did apply to his Excellency the Governor for his Admission and the necessary Instructions for the due Execution of the same

That

That His Excellency's answer to Your Petitioner was that the said John Hammerton had no Right to appoint to that Office as would appear by the Laws of the Province and the Custom of the Governor and Lieutenant Governor appointing to that Office for thirty Years Past That the said John Hammerton had been Present and as a Member of the Council consented to such appointment all which has been Shown to Your Petitioner

That His Excellency did further inform Your Petitioner that the Office of Register mentioned in Mr Hammertons Patent was at Present And had always been Executed in the Secretarys Office by Mr John Hammerton or his Deputies And as there was no other Deputation for the Execution of that Branch of his Patent his Excellency did offer to qualify and admit Your Petitioner but that not being the office designed by Mr Hammerton Your Petitioner thought proper to Petition Your Lordships for Your Judgement of Mr Hammertons Right if it shall be the Opinion of Your Lordships that he has a Right his Excellency has promised to admit Your Petitioner but if it shall be found that he has not Right he has imposed upon And Cruelly treated your

Petitioner

Petitioner.

May it therefore Please Your Lordships
To take into Consideration Your Petitioners
case And order him such Relief as your
Lordships shall Judge most Equitable And
Your Petitioner as in Duty bound shall
ever Pray &ca

Recd }
Read } April ye 4th 1733

B P R O South Carolina B T Vol 17 K 71

South Carolina April 1753

My Lords

I am affraid Your Lordships will think that my observations upon the Instructions relating to the Acts of Trade and Navigation were drawn out to too great a length I shall therefore endeavour to confine myself to a few short remarks upon my general Instructions

Art 9th As this Article is worded a Governors hands are tied up from suspending any of the Members of the Council even tho he may have a sufficient cause for so doing without he have the Consent of the Majority of the said Council, a thing difficult if not impossible to be obtained, I would therefore humbly propose that this Article might be altered after the following manner

"Your are neither to augment nor diminish the number "of our said Council as it is hereby established nor to "suspend any of the Members thereof without good "and sufficient cause, and in case of the suspension "of any of them, you are immediately thereupon to send "us an account thereof with your reasons for such "suspension"

Art

Art 12. The Members of the Assembly are elected by virtue of a Law passed in 1721, while Mr Nicholson was Governor, by which every free White Man who is Taxed twenty Shillings Currency is capable of electing a Representative to serve in the Assembly whether he be a free-holder or not

Art 13 Your Lordships will perceive that this Article of my Instructions which corresponds with the 14th Article of my Predecessor Mr Johnsons is not exactly similar to his, the Instruction to him having occasioned great disputes. The Council strenuously insisting upon the right of framing altering or amending Money Bills and the Assembly as resolutely refusing to let the Council touch them, upon pretence that the last clause in the Instruction was a key to the whole, and precluded the Council from any share in money matters. The affair having been laid before His Majesty in Council, it was thought proper (upon the most mature deliberation) to leave out the said Clause, and accordingly it is not in my Instructions but notwithstanding that the Claim of the Council to alter and amend Money Bills, may be thought to be thereby strengthened, I am nevertheless of opinion that Assemblys who are always tenacious of what they think

their

their priviledges, and perhaps sometimes grasp at powers that do not belong to them will not easily suffer a Council to interfere or meddle with these matters.

Art 19 By this Article a Governor is restrained from giving his assent to any law for repealing any other Law whether the same has received the Royal approbation or not, unless there be a Clause inserted therein deferring the execution till His Majesty's Pleasure be known, which I think may be attended with pernicious effects. It surpasses human prudence to make laws so perfect as to need no alteration, they are the work of Men, the Laws of England have been amended; In new Countrys General Assemblys cannot be such able Legislators as old Settled States, Laws made by them tho seemingly wholesome and Salutary may nevertheless upon a little experience and tryal be found poisonous and destructive to the Constitution. I could therefore wish that a Governors hands were not so strongly tied up.

Art 20. There is no Duty laid in this Province upon the Produce and Manufactures of Britain, altho they are subject to Dutys in some other Colonys there is indeed an Old Act which has been continued from time to time for raising a store of Powder for the defence

defence of the Province, which imposes a Duty of half a pound of powder ℘ Ton upon all Shipping coming into any Port in this Government, but as this is done in most other Provinces, I presume it is not within the intention of this Article but both the words and meaning of the Instruction are against the unequal manner in which it is laid, vessels owned in this Province being eased of one half of the Duty which puts the Inhabitants upon a more advantagious foot than those of Great Britain. There are also some small Fees paid to the Officers of the Customs, which cannot be thought contrary to the Instruction altho the words seem to imply that it is.

Art 26 By this Article the Governor is directed to propose unto the General Assembly and use his utmost endeavours that an Act be passed for raising & settling a Publick Revenue for defraying the necessary Charge of the Government, and particularly for a competent Sallary to the Governor and all other Officers necessary for the Administration of the Government, and as I am convinced that nothing cou'd tend more to the benefit of the People than their complying with what is proposed in this

Instruction

Instruction, I have often tried to prevail with them, and have pressed those of the best Sense and most generous way of thinking, to join their endeavours with mine, but I have been assured by them and even by all the Officers of the Government, that all attempts are vain; Possibly when their Circumstances admit of their sending their Children to England for their education, as in Jamaica and and Barbadoes, and they thereby become better acquainted with the Constitution of the Mother Country they may yield to what is so much for their good, but still then I dispair of seeing a Publick Revenue settled for the necessary discharge of Government in this Province, by any law of their own making

Art 35. There seems to be some contradictions in this Article

Art 53. His Instruction is an evidence of His Majestys Paternal care of his People, and that he desires their happiness in the most distant parts of his Dominions, Its not being complied with, I hope will not be attributed to undutifulness, but to a want of knowledge of the Constitution, perhaps to a little wilfulness also, It being very difficult for Communitys to correct their faults

faults, for which reason the greatest care should be taken in the infancy of Colonys to withstand the beginnings of Evil, and not to permit the smallest deviation from the Constitution. A Tryal by Jury, is the Characteristick, the Badge of British liberty, and that the Jury should consist of Men of Substance not necessitous persons in an essential part of it, and this Gracious Instruction is calculated for that end, but the People refuse to be happy.

Art 63. In the eleventh paragraph of the Act for preventing frauds and regulating abuses in the Plantation Trade, are words to ye following purpose "For better executing the several Acts of Parliament relating to the Plantation Trade, It is enacted, that "the Lords Commissioners of the Treasury and the "Commissioners of the Customs shall and may appoint "such and so many Officers of the Customs in "any Island &c^a as to them it shall seem needful; but how far this or any other Act of Parliament enables them to delegate this Power, or empowers the Surveyor General or any other by them appointed to name and appoint other Officers, may admit of some dispute, but it is clear, that if they can devolve

such

such a Power upon the Surveyor General, they may do it upon a Governor, and there may be some Proviso that Governors shall not make use of that Power while the Surveyor General is in the Province

Art 84. This Article should be omitted.

Art 85. It is impossible to comply with this Instruction and therefore it might be omitted.

Art 95. This was an Instruction to Governor Johnson and in consequence of it a law passed for remitting the Arrears of Quitrents and for repealing a Law formerly consented to by the Lords Proprietors entituled An Act to Ascertain the prices of Land &ca, and by that Law His Majestys Quit Rents are now paid in Proclamation money, it passed in August 1731, and is Numbered 544 in the printed Laws in Your Lordships Office, I shall take some other occasion to send some observations upon that Law, in the mean time the Instruction may be omitted

Art 99. This Instruction may be omitted

Art 107 108 & 109 These Articles may be omitted

I am with the greatest respect

My Lords, Your Lordships,

most obedient and most humble Servant

James Glen

Recd Augt 20th } 1753
Read Decr 13 }

B. P. R. O. South Carolina B. T. Vol. 1 of K 84

(11th April 1753)

The South Carolina Gazette April 11th 1753 (Number 983)

[Endorsed Printed Proclamation against the Northern Indians dated the 7th of April 1753 with the Resolution of the Assembly of South Carolina upon that Subject]

Recd with Govr Glen's Lettr
dated ye 25th June 1753

Recd August 20th } 1753
Read April 5 } 1754

B P R O South Carolina B T Vol 17 K 85

1753

A Treaty
Between the Government of South Carolina
and
The Creek Nation

Recd with Govr Glens Lettr
dated ye 26th of June 1753

Recd Augst 20th } 1753
Read April 5 } 1754

B. P. R. O. So Carolina B T Vol. 27 p. 342

(10 May 1753.)

To Matthew Lamb Esqr.

Sir.

I am directed by My Lords Commissioners for Trade & Plantations to send you the Nine inclos'd acts, and two Ordinaces, passed in May 1752, and to desire your Opinion upon them in Point of Law, as soon as conveniently may be

I am Sir

Your most Obedient Servant

Whitehall } Thos. Hill

May 10th 1753 }

An Additional Act to an Act of the General Assembly of this Province, Intituled, an act for Preventing as much as may be the spreading of Contagious Distempers.

An Act for the better preventing of Excessive & deceitfull gaming.

An Act for preserving Peace & for continuing a good Correspondence with the Indians who are in Friendship with the Government of South Carolina and for regulating the Trade with the said Indians.

An

An Act for appointing Commissioners to Stamp & sign the Sum of Twenty Thousand Pounds in Paper Bills of Credit, to be exchanged for such of the Bills of Credit as were lately stamped upon bad Paper, and are become Obliterated, Torn & Defaced.

An Act for appropriating the Dutys imposed by Law on Goods, Wares & Merchandize imported into & exported out of the Port of George Town Winyaw, for the term therein mentioned towards finishing the Church erected in the said Town.

An Act for laying Buoys and erecting and supporting Beacons or Land marks near the Bar of the Harbour of George Town Winyaw, and for building & repairing one or more Pilot Boat or Boats to attend the Bar of the said Harbour; and for the better settling & regulating the Pilotage of the said Harbour, and for obliging such vessels as go to the said Port of George Town to pay Powder Duty.

An Act for appropriating the Duties imposed on(by) Law on Goods, Wares & Merchandize imported into and exported out of the Port of Beaufort & Port Royal for the term therein mentioned towards Building & keeping in repair a Pilot Boat or Boats to attend the Bar of the Harbour of the said Port; for

for the better settling & regulating the Pilotage of the said Harbour; and for appointing a Comptroller & receiver of the Country Duties for the said Port, and for obliging all ships & other vessels trading to the said Port to pay Powder Duty.

An Act to revive and Continue the several Acts of the General assembly of this Province therein mentioned.

An Act for Raising and Granting to His Majesty the Sum of Forty Eight thousand Nine Hundred and Forty five Pounds nineteen shillings and seven pence one farthing. & for applying the sum of Six thousand Eight hundred & seventy five Pounds sixteen shillings & Six pence, being the Surplus of Taxes and the Ballance of several Funds in the Publick Treasury, making together Fifty five Thousand eight hundred & Twenty one Pounds Sixteen shillings & one Peny farthing for defraying the Charges of this Government. for one year commencing the 25th day of March in the year of Our Lord 1751 inclusive, & ending the 25th day of March 1752 Exclusive.

An Ordinance for appointing a Comptroller & Receiver for the Country duties for the Port of George Town

Town, Winyaw. 8 May 1752.

An Ordinance for appointing another Country Waiter for the Port of Charles Town, and for appointing a Country Waiter for the Port of Beaufort, Port Royal, & a Country Waiter for the Port of George Town Winyaw May 16. 1752.

B P R O A & W I Vol 130

(18th May 1753)

South Carolina

By His Excellency James Glen Esqr
Governor in Chief and Captain General
over His Majestys said Province and Vice
Admiral of the same

Whereas Hamet a Native of Tetuan in Barbary who was made a Prisoner of War by the Subjects of the King of Portugal about Fifteen Years ago since which time he has been unjustly detained in this Province by some evil disposed Persons and having now obtained his Liberty is desirous of returning to his own Country These are therefore to require all Officers Civil and Military and others His Majestys Subjects in this Province and to request of all others where he may arrive to permit the said Hamet to Pass to Tetuan aforesaid without let or molestation he behaving himself peaceably

Given under my hand and the Great Seal of this His Majesty's Province this 18th day of May Anno Dom 1753 And in the 26 Year of His Majesty's Reign

Secretarys Office
By His Excellency's
Command
Wm Pinckney Depty Secty

James Glen

B. P. R. O. A & W. I. Vol 130

(18th May 1753)

South Carolina

By his Excellency James Glen Esquire Governor in Chief and Captain General in and over his Majesty's said Province and Vice Admiral of the same

To all to whom these Presents shall Come Greeting

Whereas Guylance a Native of Tetuan in Barbary who was made a Prisoner of War by the Subjects of the King of Portugal about fifteen Years ago since which time he has unjustly been detained in this Province by some evil disposed persons and now having obtained his Liberty is desirous of Returning to his own Country **These** are therefore to require all Officers Civil and Military and other his Majesty's Subjects in this Province and to Request of all others where he may arrive to permit the said Guylance to pass to Tetuan aforesaid without let or molestation he behaving himself Peaceably.

Given under my hand and the Great Seal of this his Majesty's Province the Eighteenth day of May in the twenty sixth year of his Majesty's Reign & in the year of our Lord one thousand seven hundred and fifty three

James Glen

Secretary's Office
By His Excellency's Command
Wm. Pinckney
Depty Secty

B. P. R. O. So. Carolina B. T. Vol 27. p. 347.

(6 June 1753.)

To the King's most Excellent Majesty.

May it please Your Majesty

We have had under Our Consideration an Act Passed in Your Majesty's Province of South Carolina on the 17th of June 1746 intituled,

"An Act for stamping, emitting and making "current the sum of £210,000 in Paper Bills of Credit "& for ascertaining & preserving the future Value there-"of to be let out at Interest on good Securities at "eight per Centum per annum, and applying the "said Interest to the Purposes thereinafter mentioned "and for Exchanging the Paper Bills of Credit in this "Province, and making them less subject to be counter-"feited."

This Act has a Clause inserted therein suspending and defering the Execution of it untill Your Majesty's Pleasure shall be signified thereupon, conformable to Your Majesty's Instructions to Your Governor of the said Province.

We have also consulted Mr. Lamb, one of Your Majesty's Council at Law, upon this Act in point of Law; and as it appeared to Us greatly to

concern

concern the Welfare of the said Province, and affect the Interests of Your Majesty's Subjects Trading thereto, We thought it our Duty to call them, & also the Agent for the Province before us, and having heard what each party had to offer for & against it, We shall humbly beg leave to lay before Your Majesty a full Account of the Rise and Progress of Paper Bills of Credit in this Province, together with the Orders and Instructions which have from time to time been given by Your Majesty or Your Royal Predecessors, either for restraining or regulating them, We shall then consider the Merits of the Law now in Question and add some observation naturally arising from the Effects of Paper Currency in this Province, and some general Considerations upon the present state of it's Trade and Commerce from whence Your Majesty will be the better enabled to judge how far it may be expedient to permit any Addition whatever to be made to the Paper Currency now outstanding there.

The first paper Money that was issued in the Province of South Carolina was by Virtue of an Act of the General Assembly, passed the eighth

eighth day of May 1703, entituled "An Act for raising "the sum of Four thousand Pounds on the Real and "Personal Estates and of and from the Profits and "Revenues of the Inhabitants of this Province, and "establishing Bills of Credit for satisfying the "Debts due by the Publick on Account of the late "Expedition to St Augustine".

By this Act Six thousand pounds in Bills of Credit, equal to four thousand pounds sterling, the Exchange between London and South Carolina being at that time 50 ℘ Cent. advance, were stamped and issued, bearing an Interest of Twelve per Cent. per Annum from the date of the Bill to the time the same was paid to the Publick Receiver and the said Bills were to be sunk and cancelled by the Tax raised by that Act, that is to say £2000 to be raised and paid on the first of February 1703, and £2000 on the first of February 1704, and the other sum of £2000, being the remainder of £6000, by the Duties arising by an Act made on the sixth day of May 1703, entituled "An Act for laying an Imposition on furs, skins, Liquors and other Goods, and Merchandizes imported into and exported

"exported out of this Province for raising a Fund
"of Money towards the defraying the Publick Charges
"& Expences of this Province, and paying the Pub-
"lick debts due for the Expedition to St Augustine."

By an Act passed the 20th of December 1703 the Publick Receiver is directed to cancel £3000 of the former Bills, when the Tax assessments shall be raised and £1000 in Bills at Twelve ℘ Cent are continued Current, any Limitation in the former Act notwithstanding.

And by an Act passed the 4th of November 1704, reciting "That great part of the Money
"and Bills appropriated by the before recited Acts
"for particular uses, vizt calling in and sinking
"the Bills of Credit, had for the immediate Service
"& necessary Defence of the Province been, by order
"of the General Assembly, made use of for other Uses
"than they were appointed for and appropriated
"to by the said Acts;" it was enacted, that such Payments should be deemed legal and the Receiver was indemnified and acquitted as fully as if he had duly applyed the same to the Uses appointed by the Acts first recited.

On the same fourth day of November

1704

1704 another Act passed for raising the Sum of four Thousand Pounds on the Real and Personal Estates & of & from the Profits and Revenues of the Inhabitants of this Province, to pay & cancel the Bills of Credit now outstanding. This Act recites, "That the urgent Necessities of fortifying Charles "Town and other occasions for the Defence of the "Province against the Common Enemy, had ex-"hausted the Publick Treasury, and prevented the "calling in and Sinking the Bills of Credit", Therefore it was Enacted, that the Bills should continue current and a Tender in Law, with the Interest of Twelve ℘ Cent, untill the 10th day of March 1705, and a Tax of Four Thousand Pounds was imposed pay-able on the 9th day of March 1705, and appropriated for calling in the Bills of Credit which were then outstanding, and a Penalty was laid on the Pub-lick Treasurer, that if he misapplied any of the sums so appropriated, he should forfeit treble the value of the Sum misapplied, and should be rendered incapable of holding any Office in the Government.

But after the passing of this Act another Act was made on the 9th day of April 1706, entituled, "An

"An Act for the sooner and more secure Payment of "the Debts owing by the Publick, and for continuing "the Currency of the Bills of Credit, commonly call'd "Country Bills;" by which all Taxes laid by any former Acts of Assembly, & the Duties imposed by the Act passed the 6th of May 1703, except such as was thereby appropriated for the payment of the Clergies Salaries, & which had been established as a Fund for sinking the Bills of Credit, were now applied to the payment of the Publick Debts, and all the Bills of Credit outstanding and uncancelled were continued and made Current, and three fourths of the Duties before mentioned after the Payment of the Publick Debts and the Clergies Salaries were appropriated towards the sinking and discharging the Bills of Credit, and the remaining fourth Part of the said Duties were to be disposed of by order of the General Assembly for the Contingencies of the Government.

The next Act was passed the 5th of July 1707 and is entituled "An Act to make "and establish Bills of Credit for raising the "Sum of Eight Thousand Pounds for satisfying "the Debts due by the Publick on Account of the "late

"late Invasion, for finishing the Fortifications about "Charles Town, to revive the several Acts therein "mentioned, and to call in the former Bills of Credit."

By this Act not only Eight Thousand Pounds in New Bills equal to Five thousand three hundred & thirty three pounds six shillings and eight pence sterling, Exchange being at 50 ₱ Cent advance, were issued for Payment of the Publick Debts, but the old Bills which were out-standing were exchanged for new Bills, and were by that means continued Current, and made a Tender in all Payments: And this Act revives the Duty Act passed the sixth of May 1703, and the Additional Acts made to that Act, and then enacts that all moneys remaining in the Publick Treasury together with all outstanding Taxes im-posed by any former Acts of Assembly, and the Duties and Impositions thereafter to be paid, and the Over-plus of the Money for Ministers Salaries not disposed of shall be applied towards payment of the Publick Debts and sinking the new Bills Es-tablished by that Act. This Act also repeals the Act for raising Four thousand Pounds passed the 8th of May 1703.

The

The Act last above mentioned was made of force for two years but was continued for four years by an act passed the twelfth of July 1707, and by another Act passed the 14th of February 1707, entituled "an act for the better enabling the Governor or the "Governor for the time being to raise a Force against "Our Publick Enemies, and to raise Money to defray "the Charges of the same by establishing Bills of "Credit", a further sum of Three Thousand Pounds equal to Six hundred & Sixty six pounds thirteen shillings & four pence sterling, was issued in Bills of Credit. Two thousand Pounds of which was to Exchange Part of the Old Bills which were too large, and the other One Thousand Pound was to remain in the Treasury to answer the emergencies of the Government, and the Duties continued by the Act of 12th July 1707, were further continued to the 12th of July 1712 & from thence to the End of the next session of the General Assembly, and were also applied for sinking the Bills newly issued.

A very short time after passing this Act, (to wit) on the 24th day of April 1708, an act passed for raising the Sum of Five thousand pounds. By this Act a further sum of five thousand pounds in

in Bills of Credit, equal to three thousand three hundred thirty three Pounds Six shillings and Eight pence sterling, were issued to be ready in the Publick Receiver's Hands to answer all Emergencies, and for a Fund to sink them, the Duties imposed by the former Acts were continued to the 12th day of July 1714, and from thence to the end of the next Session of the General Assembly.

On the first day of March 1710, an Act passed for raising the sum of Three thousand Pounds in small Bills, for the sinking one thousand Pounds of the former Bills and Two thousand Pounds for & towards the Payment of the Debts due from the Publick, and to appoint a fund for the same.

The Title of this Act bespeaks the Use for which it was designed. Another sum of Three Thousand pound in Bills of Credit, equal to one Thousand three hundred and Thirty three pounds Six shillings and Eight pence sterling, was Stamped and issued, one Thousand Pound of which was exchanged for the Old Bills & two thousand Pounds was added to the former Paper Currency, and were emitted to-wards Payment of the Publick Debts, & for a Fund for sinking this additional Sum of Two thousand pounds

pounds, the Duties imposed by former acts were again continued to the 12th of July 1716 and from thence to the end of the next Session of General assembly.

The next Emission of Paper Bills of Credit was said to be in Consideration of the Great Expence the Province had been at in Building Fortifications, and for assisting the Inhabitants of North Carolina against the Indians who were then at War with them with Twenty white Men, and such Indians as could be raised; on these considerations an Act passed the 10th day of November 1711 for raising the Sum of four thousand pounds equal to Two thousand Six hundred Sixty Six pounds 13/4 by laying sundry additional Duties on Liquors and other Goods and Merchandizes for carrying on an Expedition against the Northern Indians, Enemies to the Crown of Great Britain, and for the aiding and assisting the Inhabitants of North Carolina who are now actually invaded by the said Indians.

The four thousand pounds issued in Paper Bills by this Act are directed to be sunk by an additional Duty on Liquors and other Merchandizes which was to be levied only till the Bills emitted by

by this Act were cancelled, and the Bills issued by virtue of this Act were commonly called Tusquerora Bills from the name of the Indians who made War against the People of North Carolina.

On the 7th day of June 1712 there was passed an Act for raising the sum of Fifty two thousand Pounds equal to Thirty four Thousand Six hundred Sixty Six pounds 13/4 sterling, by stamping and establishing new Bills of Credit, and putting the same out to Interest, in order to call in & sink the former Bills of Credit, commonly called the Bank Act.

From the year 1703 to the time of passing this Act by the various Emissions of Bills of Credit at the several times herein before mentioned, there had been issued Twenty five thousand pounds which either by a partial application of the Funds appropriated for sinking them by the exchanging old Bills for new, or by Bills lost or destroyed by Accident, were at the time of passing this Act, reduced to Sixteen Thousand Pounds, exclusive of the Tusquerora Bills amounting to Four thousand Pounds, Vizt

Issued

Issued by Act the 8th May 1703.		£ 6000.	
5 July 1707.		8000.	
4 Feb. 1707.		3000.	
24 Apl. 1708.		5000.	
1 Mar. 1710.		3000	
		25,000	
Exchanged by Act 14 Feb. 1707	£ 2000		
1 Mar. 1710	1000	9,000	
Sunk by part of the Funds or lost & destroyed	6000		
Remains		£ 16,000.	

In the Preamble of the Bank Act it is declared, that the Publick Debts (occasioned by the vast charges to which the Province for several years past had been subject for the late expedition against St Augustine, the fortifying Charles Town, & building Johnsons Fort, the Invasion of the French and Spaniards in the year 1706, and the assistance lately given to the Inhabitants of North Carolina) were become, that there were no hopes or probability that the same could be discharged in any reasonable time by the Publick Duties and Incomes of this Province; and that it was also impracticable, especially at that time,

to

to discharge & defray the same by the ordinary Method of Imposing a Tax on the Estates, Stocks & Abilities of the Inhabitants of the Province without pressing too hard upon them. Therefore certain Commissioners in the Act named were directed to Stamp and Issue Sixteen thousand pounds for exchanging the old Bills, Thirty two thousand pounds to be let out at Interest payable in Twelve years at 12.10 ℘ Cent ℘ annum, which was to sink both Principal and Interest at the end of that term, & Four thousand Pounds was also directed to be issued for the contingencies of the Government. The Funds which had been established for sinking the Bills, which were directed to be called in and cancelled, were by this Act ordered and declared to be disposed of for and towards the Bills thereby established, and ordered to be given in Exchange for the same old Bills, and it was enacted, that in six months after the sum of Fifty two thousand pounds should be stamped & delivered to the Commissioners; all other acts of the General Assembly, which concerned any Bills of Credit, except the Bills stamped for carrying on the Expedition against the Northern Indians, commonly called Tusquerora Bills

Bills, should become null, void and of none effect to all intents and Purposes whatsoever, so that after this Act took place the Bills of Credit stood as follows, Vizt -

For calling in and cancelling and Exchanging the Old Bills outstanding	£ 16,000
To be placed at Interest according to the Terms of the Act	32,000
For the Contingencies of the Govern.t	4,000
	52,000
The Tusquerora Bills excepted out of the Bank Act & remaining on their first Establishment	4,000
	£ 56,000

And here it may not be improper to observe.

That when Paper Bills first issued Rice was 17/6 per Cwt and all Debts outstanding bore a Proportion thereto, but by the Multiplying them the Value of Rice rose to treble what it had been before the last Loan, by which means the Borrowers of the Bills got 200 ℔ Cent, and those that had Debts outstanding lost proportionably

On the 27th day of August 1715 an Act

was

was passed for raising Forces to prosecute the War against our Indian enemies and to Stamp Bills of Credit for the Payment of the Army, and discharging the Charges of the War, and to ascertain a Fund for cancelling the same Bills, & to appoint Courts Martial &c.

By this act a further Sum of Thirty Thousand pounds in Bills of Credit equal to Fifteen thousand Pounds sterling Exchange being raised to 100 per Cent Advance, was stampt and issued, and it was provided by this Act, that in order to strengthen the Currency of the Bills newly issued, a Fund should be provided for sinking the same by a Tax; And accordingly on the same 27th Day of August there was passed an Act to raise the sum of Thirty thousand pounds on the Real and personal Estates of the Inhabitants of this Province, in order to sink the Sum of Thirty Thousand pounds in Bills of Credit, &c.

By this last act a Tax of Thirty thousand Pounds was to be raised on or before the first Tuesday in April 1717, and was, when raised to be applied to the sinking and cancelling the said

said Sum of Thirty thousand Pounds.

On the 24th Day of March 1715 another Act was passed for issuing a further sum of five thousand pounds in Bills of Credit, equal to Two thousand five hundred pounds sterling, but no Provision was by this Act made for sinking or cancelling the same. This Act was to continue only to the 20th of November 1716.

But before the time limited was expired (that is to say) on the 30th of June 1716, another Act was passed to continue the Currency of Thirty thousand pounds in Bills of Credit, & also to stamp the sum of Fifteen thousand pounds in Bills of Credit. This Act repeals the Act made the 27th August 1715 for sinking the said sum of Thirty thousand pounds in Bills of Credit lately issued, and recites that there is a necessity for giving a further Currency to the aforesaid Thirty thousand Pounds in Bills, and also to the Five thousand pounds issued by the above mentioned Act of the 24th of March 1715, and that the said Bills could not be suddenly sunk without laying too great & insupportable

-portable a Tax and Burthen on the Inhabitants; - therefore the Currency of the said Thirty thousand Pounds and Five thousand Pounds were continued till such time as they should be called in and sunk by an Act of Assembly. It is further recited, that the aforesaid Sums of Thirty thousand Pounds and five thousand pounds have been expended in defraying the Charges of the Indian War, and that the Treasury was almost exhausted, and that it was necessary that the further Sum of Fifteen thousand pounds should be forthwith provided for Payment of the Soldiers & other charges of the War; therefore certain Commissioners in the Act named were authorized to stamp & issue in Bills of Credit an additional Sum of Fifteen thousand pounds computed at the Value of Five thousand Pounds sterling, the exchange uncertain, but rising very fast at this time, to be paid and applied for the Purposes aforesaid

As to a Fund to support and strengthen the Currency of the Bills lately — emitted, now amounting to Fifty thousand pounds over and besides the Bills issued by the Bank Act and the Four thousand pounds in Tusquerora Bills, amounting to Fifty six thousand Pounds, a Tax of Ninety five Thousand

thousand pounds was by the act directed to be raised at three Payments (that is to say) Thirty five thousand pounds on the first Tuesday in March then next ensuing, thirty thousand in March 1717 and the remaining thirty thousand on the third Tuesday in March 1718, which Payments were to be applied in manner following (that is to say) fifteen thousand pounds, part of the Thirty five thousand Pounds directed to be paid in March then next ensuing, was to be applied to sink and cancel the like sum in Bills of Credit issued by this Act, thirty thousand pounds, being the second Payment in March 1717 was appropriated for dis-charging certain publick Orders, the amount of which was then uncertain, which has been issued by this Act, and when such orders were discharged, the Residue towards the Sinking the Bills of Credit issued by the Act of the 27th of August 1715, The last payment of Thirty thousand pounds in March 1718 was to be applied for sinking the Residue of the Thirty thousand pounds issued by the Act of 27th August 1715, and the Five thousand issued by the Act 24th March 1715.

This act was to continue of Force untill the

the Taxes should be fully raised and paid according to the Directions of this Act; at the same time pre-scribed for the Payment of these Taxes, Exchange was risen to 300 per Cent. Advance.

But an Act soon after passed (to wit) on the 15th day of December 1716 entituled an Act for appointing Rangers to guard the Frontiers of this Province against the Incursions of Our Indian Enemies, and for making further Provision for the Garrison at Port Royal and Savañah Town, By which the Fifteen thousand pounds, which was applied by the Act last above mentioned for cancelling so much of the Bills of Credit, was ordered to be paid into the hands of certain Com-missioners to be applied to other uses therein men-tioned. However on the 11th day of December 1717, there was passed an additional Act to an Act to continue the Currency of Thirty thousand Pounds in Bills of Credit &c, reciting, amongst other things, the Act last above mentioned, and that the said fifteen thousand pounds in the aforesaid Acts mentioned was not sunk and cancelled according to the Direction of the aforesaid Act made on the 20th Day of June 1716, and that it was found by experience

experience, that the Multiplicity of Bills of Credit had been the cause of the Ruin of Our Trade and Commerce, and had been the great Evil of this Province, and that it ought with all Expedition to be remedied; and further reciting that there was outstanding in Bills of Credit, over and above the Bills commonly called the Bank Bills

	£ 30,000	-	-
	5,000	-	-
	15,000	-	-
Tusquerora Bills	4,000	-	-
in all £	54,000	-	-

And further reciting that the Tax of Thirty thousand Pounds which by the Act of 30th June 1716, was intended to be raised and paid in March 1717, would only sink Ten thousand Pounds of the Bills of Credit, as the Publick Orders by the said Act also directed to be paid with the Interest thereon, did amount to Twenty thousand Pounds, and that it was the Resolution of both Houses of Assembly that the abovementioned Bills of Credit (the Bank Bills excepted) amounting to Fifty four thousand pounds should be sunk on or before the second Tuesday in March, which should be in

in the year of Our Lord 1718, (to wit) Twenty four Thousand pounds in March then next ensuing, and the remaining Thirty thousand Pounds according to the Directions of the said Act made on the 30th June 1716; it was therefore enacted, that the said Act of the 30th June 1716 should be carried effectually into Execution, and that the Sum of Fourteen thousand pounds should be raised as an additional Sum to the Tax to supply the Deficiency that would be wanting to make up the sum of Twenty four thousand Pounds intended to be raised by March next ensuing viz.t By the Act of 30th of June 1716 was to be raised for sinking the Bills and

Publick Orders	£30,000
The Publick Orders with the Interest amounted to	20000
Remained for sinking the Bills	10000
Deficiency supplied by the additional Tax	14000
Sum proposed to be raised for the first payment by this Act	24000

It appears by this Act, that all the Bills of Credit, except the Bank Bills, should have been cancelled and Sunk in March 1718; But by an Act passed the 20th of February 1718, entituled an Act

"Act for raising the Sum of Seventy thousand pounds
"on Lands and Negroes for defraying the Publick Debts,
"sinking the Publick Orders, and for calling in and
"cancelling the Sum of thirty thousand Pounds which
"is now outstanding in Bills of Credit, over and
"besides the Bank Bills," the last above mentioned
Act is repealed and made void, and a new Provision is made for sinking the Bills by Taxes to be paid at three Periods, with Liberty that such Tax might be paid in Rice at certain Prices limited according to the different Times of Payment, to wit, on the second Tuesday in March

1719	£ 10,000	in Rice at	30/ ℔ Cwt.
1720	10,000	do.	25/ ℔ Do.
1721	10,000	do	20/ ℔ Do.

Towards the latter end of the Year 1719 the People of South Carolina threw off the Government of the Lords Proprietors, and chose a new Governor & Council, and during these these times of Confusion some Act passed relating to Paper Money.

The first on the 13th of February 1719. entituled, "an additional Act to an Act for raising the sum of Seventy thousand Pounds on Lands and Negroes &c for defraying the Publick Debts"; by which Act

act a Year longer was given for sinking the Thirty thousand Pounds.

And it appears by a Representation of the Council of that Province upon the state thereof, that there were two new Emissions of Paper Bills commonly called Rice Bills, one for Fifteen thousand and the other for Nineteen thousand pounds to be sunk in Taxes in Rice at 30 shillings per Hundred, but that a little before the Period fixed for paying off those Bills, the Act was repealed and the greatest part of them reissued.

Mr Nicholson, who was appointed provisional Governor by his late Majesty, arrived in this Province in May 1721, and gave his Consent to an Act of Assembly made on the 21st day of September 1721, entituled "An Act for raising the "Sum of Seventeen Thousand two hundred forty "eight pounds & Sixpence on Lands and Slaves, for "defraying the Charges of the several Forts and "Garrisons, discharging the several Publick Debts "& providing for the other Emergencies and Contingent "Charges of the Government".

By this Act Seven thousand pounds part of fifteen thousand pounds in Rice Bills, which

remained

remained in the hands of the Commissioners, and were to have been sunk and cancelled in pursuance of the Acts for Emission of these Bills, were applied in Ease of the Inhabitants in the Tax to be raised the present Year, and the Funds which had been appropriated for sinking the old outstanding Bills were postponed and a new Provision was made by this Act, that the old Bills of Credit should be current in all payments and the sum of Four thousand Pounds of the said Bills of Credit then outstanding should yearly and every Year be Sunk, called in and Cancelled by a Tax to be raised on Lands and Slaves, over and above the several Sums of Money to be yearly raised for the support of the Government the first payment to be made in twelve Months after the Bank Act should expire.

The Bank Act was passed on the 17th June 1712, and was to last Twelve Years, so that the Fund hereby appointed, which was to sink all the outstanding Bills, as they were now indiscriminately blended together, could not take place till the year 1725, and Liberty was given by this Act to all persons to pay in their Taxes

Taxes in Paper Bills of Credit or Orders of the General Assembly, tho' the Current and Market Price of Rice was 40/ per C^t weight, and the said Taxes by the former Acts were to be paid in Rice at 30, 25 and 20 Shillings ℘ C^t W^t, but however this Act did not last long, for on the 23^d of February 1722 another Act was passed for the reprinting the present Current Paper Bills of Credit, and for printing the additional Sum of Forty Thousand Pounds in Bills of Credit for paying off the Publick Debts, defraying the Contingent charges and other Emergencies of Government to the 25th Day of Septr next, Soon after the passing of this Act, Exchange arose from 500 to 700 ℘ C^t advance, and so eager were the Assembly at that time in the pursuit of this pernicious Practice of emitting large Quantities of Paper Money, that they proposed a Bill for adding One hundred & twenty thousand pounds to their Currency and several Merchants, who presented a Memorial to the Assembly against it, were order'd to be taken into Custody.

By this Act and the Act last above mentioned a new Scheme of Paper Money was introduced, the several Species of Bills were blended together

together, and the Funds appropriated for calling in and sinking them were laid aside, and another method introduced; but Exception must be made to the Bank Act, which had hitherto been punctually complied with and the Money annually sunk according to the Direction of that Act, save only the Sum of Eight thousand pound, which was still outstanding, as two years were yet to come before the Expiration of the Bank Act.

The Reasons given for the passing this Act, as they are set down in the Preamble, are as follows, vizt. That it was very uncertain, what Quantity of Bills of Credit was then current, many of them being counterfeited, and they being then so old, that it was absolutely necessary that they should be called in and reprinted, And that by reason of the Great Floods many of the Inhabitants had lost their Crops, and most had suffered so much by the same, that they were rendered Incapable to pay the Yearly Tax necessary to be raised for the support of the Government. Therefore for the reprinting of the Bills of Credit then in the Province and paying off the Publick Debts, and for providing for the contingent Charges of the Government certain

Commissioners

Commissioners were appointed to Stamp and issue One hundred and Twenty thousand pounds, and it was provided that all the Bills, which should be issued instead of the Bills then outstanding should be sunk according to the several Laws then in being (that is to say)

According to the Bank Act passed 7th June 1712, two Years of the twelve for which that Act was passed not being expired.	£8,000
And the residue of the said Bills were to be sunk at four thousand pounds ⅌ Ann. pursuant to the Act passed 21st Sept 1721 for raising Seventy thousand pounds &c which last part of the said out-standing Bills were computed to	72,000
To be paid into the Public Treasurer to be by him applied to the Payment of the Publick Debts and Charges of the Government to the 25th day of Sept 1723, and to be sunk by eight general Taxes at five thousand pound ⅌ Ann the first to be raised in the year 1738	40,000

and

and the last in the year 1745. } £120,000

The Preamble of this Act takes notice that it was uncertain what Quantity of Bills was out-standing, but it is evident, that the Calculation was made at Eighty thousand Pounds (that is to say)

In Bank Bills	8,000
In Bills of different sorts	72,000
	80,000
In new Bills added	40,000
	120,000.

And that the Province might have the full advantage of the whole Emission, the Act provided that any other sum that might remain in the hands of the Commissioners, after they had exchanged the old Bills of credit for new, should be likewise paid into the Hands of the Treasurer, and should be appropriated to the Charge of the Government.

The two Acts last abovementioned were repealed by their Excellencies the Lords Justices, by an Order of Council bearing date the 27th Day of Aug. 1723, upon which an Act was passed on the 15th of February 1723, Entituled, an Act for calling in and sinking the Paper Bills, This Act, which is also known

known by the name of the Sinking fund Act, and which is so often referred to in the Instructions to the Governors of South Carolina, as will afterwards appear, recites, That by an Act of the General Assembly of this Province, Intituled, An Act for raising the sum of Seventeen thousand two hundred & forty eight pounds & sixpence &ca, passed the 20th day of September 1721, there was raised the sum of seven thousand Pounds, part of the fifteen thousand, commonly called Rice Bills, and the persons assessed by that Act were allowed to pay their Tax in Bills of Credit or Orders drawn by the General Assembly; so that the whole sum of fifteen thousand pounds in Rice Bills were exchanged and reissued for the Emergencies of the Government; and that by another Act Intituled, an Act for the reprinting &ca passed the 23rd day of February 1722, an additional sum of Forty thousand pounds in Bills of Credit was made and Issued and the greatest part of the former Currency had been exchanged for New Bills, & that their Excellencies the Lords Justices had been pleased to declare their disallowance of the said Acts, and that their Excellencies the said Lords Justices, by their Letter or Order to Governor Nicholson

Nicholson had thought fit to enjoyn, require & direct him to propose to the Assembly of Carolina to settle effectual Funds for the speedy sinking and discharging such additional Bills as had been issued by virtue of the Act above said; It was therefore Enacted that Fifty five thousand pounds Vizt. –

Additional Bills issued		£ 40,000
Bills reissued instead of Rice Bills, which ought to have been sunk.	}	£ 15,000
		55,000

Consisting in Bills of Twenty, fifteen, twelve and eight pounds, should be paid from time to time to the Publick Receiver or Treasurer for the time being for Duties only. and the Treasurer was required to receive the Duties in those Bills and no other, the Duties appropriated for the payment of the Clergies Salaries and for the Brick Church in Charles Town only excepted, which Bills so received were to be burnt once in Six months, untill the whole sum of Fifty five thousand pounds should be called in & sunk.

This act further directs, that the sum of Eight thousand pounds, which remained to be called in on the Bank Act should be paid to

the

the Commissioners in one of those species of Bills, and that the remaining sum of fifty three thousand pounds & also the sum of eight thousand due on the Bank Act, should be Current in all payments, duties excepted, By the Acts repealed

there was issued ------------------	120,000
By this Act are to be sunk by Duties.	55,000
Continued Current of the old Bills.	53,000
Continued of the Bank Bills	8,000
	116,000
Remaining which seems to be unprovided for -------------------	4,000

Soon after the Repeal of the aforementioned two Laws the Assembly addressed the Governor to continue the Bills thereby emitted current, notwithstanding such Repeal; and in the year 1725, and 1726 made further efforts to prevail with the Council to make further Emissions of Paper Bills of Credit.

By the operations of the last mentioned Act there was instead of Sixty three thousand pounds, only thirteen thousand five hundred sunk, and in the year 1727 the Effect of the Sinking fund was suspended, and the Money which had been

been collected & was in the Treasurer's hands, as well as the amount of that Fund for two Years to come, was applied to defray the Charges of an Expedition to St Augustine and fitting out a Privateer to guard the Coast, according to the Directions of an Act passed on the 30th day of September 1727, Intituled an Act for carrying on several Expeditions against Our Indian & other Enemies, and for defraying the Charges thereof, continued for two Years from the time of passing the Act, and from thence to the end of the next Session of the General Assembly, and by the same Act the Duty Act passed the 23d of Feby 1722 is continued for two Years, and from thence untill the Bills made use of for those Expeditions should be sunk & Cancelled, so far as the said Act related to Duties & Negroes and Liquors. The Expeditions carryed on in pursuance of this Act amounted as follows. Vizt Captain Mountjoy in the Sloop for Guarding the Coast

Captain Mountjoy in the Sloop for Guarding the Coast	£ 13,429. 3. 7
Colonel Palmer against the Yamasee Indians	15,415. 3. 11
Colo Glover sent to the Creeks	5,358. 3. 7
Ballance due on the sinking Fund	9,157. 7. 6½
Raised by the Fund	33359. 18. 7½

after

After your Majesty had purchased the soil of this Province, the late Governor received from Your Majesty several Instructions relating to the Paper Bills of Credit, the first of which is to the following effect.

"Whereas there is at present a certain "Act in force in South Carolina, Intituled, an "Act for calling in and sinking the Paper Bills of "Credit, and part of the Duties imposed by this "Act is applicable for and towards the discharging "and sinking the Bills of Credit now Current in "Our said Province, and it has been represented "to Us, that it would be a great Incouragement "for the more speedy and effectual settling the said "Province, if the Assembly were permitted for the "space of seven Years to apply the produce of such "revenue arising from that Act, as are now appropriated to the discharge of the Old Bills of "Credit, to the Charge of Surveying and laying out of Townships and to the Purchasing of Tools, Provisions and other necessaries for any Poor Protestants that shall be desirous to settle in our said Province; We are graciously pleased to comply with the request of the Planters & Merchants

in

"in this particular; and you are hereby empowered
"to give your assent to a Clause in some Act for
"suspending the first design of the aforementioned
"Act, and for applying the said sinking Fund for
"the space of Seven years to the purposes aforesaid,
"provided always that the Assembly do pass an ef-
"fectual Law to answer the purposes of the foregoing
"Instructions for registering and regulating the future
"payment of Quit Rents in the manner therein directed,
"and that the Clause for this suspension be made
"part of the same Law; But you are to take care
"that a particular and distinct account be kept
"of the Money so applyed by an officer to be by you
"appointed for that purpose, who shall annually
"transmit the same attested by you to the Commis-
"-sioners of Our Treasury and to Our Commissioners
"for Trade and Plantations, and shall be first
"audited by the Auditor General of Our Plantations
"or his Deputy for the time being".

Under the Countenance of this Instruction an Act was passed the 20th August 1731, commonly called the Quit Rent Act, in which was a Clause for suspending the effect of the sinking fund Estab-lished by the Act for calling in and sinking the Bills

Bills of Credit for seven years; and another Act was passed at the same time, commonly called the appro-priation Act, for applying the greatest part of the sinking Fund for seven years to come, together with forty thousand pounds which was in the Treasurer's hands and due to that fund before the Instruction took place, for sinking and cancelling certain publick Orders which were issued by the same Act, for payment of a Duty due from the Publick which had been contracted during the last four Years of Mr President Middleton's Administration, during which Time no Taxes had been raised for the supply of the Government amounting to one hundred & four thousand seven hundred seventy five pounds one shilling & 3 pence 1/4.

And the same Act appropriated only the sum of five thousand Pounds per Ann. out of the sinking Fund for the Charge of surveying and laying out Townships, and purchasing Tools and necessaries for such poor Protestants as might be desirous to settle in this Province; but such a violation of Your Majesty's Instruction did not pass unnoticed, for after hearing as well what the Merchants had to say in opposition to this

Act

Act, as the Province had to offer in support of it, Your Majesty was pleased in the Year 1735, to give the following Instruction to Your Governor of the said Province.

"Whereas by the 20th Article of Our Instructions to Robert Johnson Esquire, late Governor of Our said Province, He was directed and Empowered to give his assent to some Law for suspending the Design of a Law passed in that province for calling in and sinking the Paper Bills for the space of Seven Years, and for applying the Revenue arising thereby for the Charge of Surveying and Laying out Townships and to the purchasing of Tools provisions and other Necessaries for any poor Protestants that should be desirous to settle in Our said Province, And whereas by the Act passed in 1731 for appropriating the sum of One hundred and four thousand seven hundred seventy five pounds one shilling and 3 pence 1/4 towards the payment of the Publick Debts in consequence of our said Instruction, the whole Revenue was not appropriated to the Service of New Comers, as it ought to have been, It is therefore our Will & Pleasure, that you endeavour to get a Law passed for

"for altering so much of the aforesaid Law as is "not consistent with the said 20th Article of Our "aforesaid Instructions, and that it be by the said "Law enacted, that during the continuance thereof, after "the annual Service of the new Comers is provided "for, any overplus that may remain shall be applyed "to the discharge of the Old Bills of Credit, for which "purposes the said Duties were originally given by "the Act for calling in and sinking of Paper Bills "passed in Our said Province 1723/4. And that Pro-"vision be likewise made in the said Law for the "payment and sinking of such part of the said "sum of One hundred seventy five pounds one Shilling "& 3d 1/4 as shall then remain unpaid and you are "further to signify to Our Assembly, that unless "they immediately comply with what is herein pro-"posed, We shall disapprove the aforesaid Act for "appropriating the sum of one hundred & four thou-"sand seven hundred seventy five pounds one "shilling and 3d 1/4 towards the payment of the pub-"lick Debts; but you are not hereby to understand, "that We do by this Instruction in any wise "give you leave to suspend the design of the "sinking Fund longer than the Duration of the "last

"last mentioned Law or for continuing the Duties for "a longer term than that for which they were originally "granted by the aforesaid Act of 1723."

But a little before the date of this Instruction, this Act was in some measure corrected by an Act passed after Governor Johnson's decease on the seventh day of June 1735, Intituled, An Act to provide a full supply for subsisting poor Protestants coming from Europe and settling in His Majesty's New Townships in this Province, and for Establishing a Fund by an Annual Tax on the Inhabitants of this Province for paying off and cancelling the remaining publick Orders, which were issued in the year 1731. By this Act the whole produce of the Sinking Fund is applied for Protestant settlers, and the Act taking notice that about the sum of Thirty one Thousand pounds in orders was then outstanding, a Tax of five shillings ℘ head is imposed on all Slaves in the Country, and one Thousand Six hundred pounds was directed to be paid by Charles Town as an annual Tax for sinking the said Orders. This Act has since been punctually complied with, so that there is not above the sum of Thirteen hundred forty four pounds fifteen shillings

now

now outstanding, and there is lying in the Treasurer's hands a Mortgage of several Tracts of Land for the security of the Sum outstanding, which are ordered to be sold immediately to sink the said sum.

This Act was continued for three years and from thence to the end of the next Session of the General Assembly, the Appropriation Act also continued the Duty Act made on the 23rd of February 1722, Intituled, An Act for granting to His Majesty a Duty and Imposition on Negroes, Liquors and other Merchandizes for the use of the Publick of this Province for Seven years from the passing of that Act, and from thence to the end of the next Session of the General Assembly; As these Acts were to determine with the Session of Assembly in 1739, it is necessary to observe that Governor Johnson had another Instruction from your Majesty to the effect following Vizt. -

"And Whereas great Inconveniencies have "heretofore happened in South Carolina from issuing "large sums of paper money without sufficient Funds "for the gradual repaying and Cancelling the same; "And Whereas as well Merchants as Planters have

represented

"represented to Us the absolute necessity that some "Paper Money should be allowed to have a Currency "in our said Province under proper Regulations, as "well for carrying on the Annual Services of our Govern-"ment as for the daily Circulation of Trade amongst "the Inhabitants; now being desirous to promote the "welfare of our People under Your Government, We have "thought fit, and do hereby impower you to give "your assent to an Act or Acts for establishing a "new Paper Currency, upon such a Foot as may best "answer the Necessity of the Province, and be most "conducive to the publick Utility thereof: But you "are to take Care, that a Clause be therein inserted "to suspend the Execution thereof, untill Our Royal "Pleasure shall be known thereupon."

On the 20th of August 1731 there was passed an Act for calling in Reprinting and Exchanging the Paper Bills of Credit.

By the Act repealed by their Excellencies the Lords Justices in the year 1723 there has been stamped & issued £ 120,000.

In pursuance of the Act passed the 15th Feb. 1723 for calling in & sinking the Bills there was sunk	13,500
Remains	£ 106,500.

The

The Act last mentioned directed that the above sum should be reprinted and exchanged, but no Fund was appointed or established for the gradual repaying and cancelling the same. nor was there any clause inserted in this Act to suspend the Execution thereof, untill your Majesty's Royal Pleasure should be known thereupon.

On the 29th day of May 1736 an Act was passed for stamping emitting and making current the sum of Two hundred & Ten thousand pounds in paper Bills of Credit, and for ascertaining and preserving the future value thereof to be let out at Interest on good Securitys at Eight per Cent per Ann. and for applying the said Interest to the purposes hereinafter mentioned and for exchanging the Paper Bills of Credit in this Province and making them less subject to be counterfeited, and also to encourage the Importation of Silver and Gold Coin into this Province.

By this Act Commissioners were appointed to Stamp and Issue Two hundred and Ten thousand Pounds in Paper Bills from Five shillings to twenty Pounds, and one hundred thousand pounds in said Bills were to be exchanged for the

the old outstanding Bills, and the remaining One hundred & Ten thousand Pounds to be lent out at 8 ⅌ Cent. Interest on Land Security, this Interest to be paid in Silver or Gold, Silver at £1.17.6 and Gold at £27 ⅌ Ounce Currency and the Treasurer was to allow 10 ⅌ Cent discount on all Duties in-wards paid in Silver or Gold, and out of the above mentioned Interest a security was created for the Old Debt; but there was no Clause to oblige the Borrower to repay any part of the principal towards the sinking of the Bills: for which Reason, and because the Clause which directs the Treasurer to allow 10 ⅌ Ct on all Duties, was thought contrary to the Act of Queen Ann for ascertaining the Rates of Foreign Coins in America, this Act, which had a suspending Clause, was not approved of by your Majesty, Your Majesty was thereupon graciously pleased to give the following Instruction to Your Governor of the said Province.

"Whereas an Act was passed in the "Assembly of Our Province of South Carolina in May "1736, Entituled, An Act for stamping emitting and "making Current the sum of Two hundred & Ten "thousand pounds in Paper Bills of Credit & for

ascertaining

"ascertaining & preserving the future value thereof
"to be let out at Interest on good Securitys at 8 per
"Cent pr. Annum, and for applying the said Inter-
"est to the purposes herein after mentioned, and
"for exchanging the Paper Bills of Credit in this
"Province, and making them less subject to be counterfeited,
"and also to encourage the Importation of Silver &
"Gold Coin in this Province, which Act has been
"considered by Our Commissioners for Trade and
"Plantations, who made a Report thereupon to a
"Committee of Our Council, and the said Committee
"having reported to Us that the Purport of the said
"Act is agreeable to Our 21st. Instruction given to Robert
"Johnson Esqr. late Governor of Our said Province, and
"that the same has many good Clauses and Pro-
"visions in it, But there is a Clause directing
"the Treasurer to discount or allow 10 per Cent
"on all Duties inwards, which shall be paid into
"the Treasury in Silver or Gold, which is evidently
"against the Intention of the Proclamation published
"by her late Majesty Queen Ann on the 18th of June
"1707, to prevent the drawing money from one Colony
"to another by setting an unequal value thereupon
"to the great Prejudice of Trade, and likewise that
there

"there is a Provision in the said Act for creating
"a Security for an Old Debt of one hundred thousand
"Pounds in Paper Money now Current in that Province,
"out of the Interest arising by the Loan of one
"hundred and Ten thousand Pounds part of the New
"Bills; But that there is no Clause in it to oblige
"the Borrowers to repay any part of the Principal
"towards the sinking of the said Bills, which ought
"to have been provided for by gradual Payments
"annually and should have commenced at least
"upon the Acquisition of a sufficient Fund for
"the Discharge of the Old Debt; We have taken the
"said Report into Our Royal consideration, and
"do approve thereof; and it is Our Will and Pleasure
"that you do recommend to the Council and Assembly
"of the said Province to pass another Act for the
"same Purpose, not liable to the aforementioned ob-
-jections, taking Care however, that a Clause agre-
-able to Our 21st Instruction be therein inserted, to
"prevent the said Law from taking Effect untill
"Our Royall Pleasure shall be known thereupon".

Upon this Instruction the Law now in Question is founded. Here it may be observed, that the Sum of One hundred & Six thousand five hundred

hundred Pounds issued by Virtue of the Act passed the 20th of August 1731, entituled, an Act for calling in, reprinting and Exchanging the Paper Bills of Credit, is the only Legal Paper Currency in this Province, which is enforced as a Tender in Law in all Payments; and that as the several Acts above mentioned, by which Funds were established, are expired the said Currency is without any Fund to support it.

We must beg leave further humbly to represent to Your Majesty that notwithstanding there is so large a Quantity of Paper Money Current in this Province, yet the Assembly have frequently upon Emergencies passed Acts for stamping and issuing Publick Orders applicable to particular Services, the first of these Acts, that We find to have been passed since the appropriation Law, was passed on the 5th day of March 1736/7, entituled, an Act to enable the Commissioners herein named to stamp and sign certain orders to the Amount of Thirty five thousand & ten pounds Current Money for putting the Province in a Posture of Defence, the better to enable them to support & defend the Colony of Georgia against any attacks from his Majesty's Enemies, and for the speedy finishing the Curtain

line

line before Charles Town; which said Orders are directed to be received in discharge of Taxes and Duties, Duties on Negroes excepted, for five years; provided that so much of the said orders as should be applied to the use of the Fortifications, should be charged on the Fund appropriated for that Use, and that the whole might be sunk in five years, the Treasurer is directed on the Receipt of the General Taxes to cross and file so many of the said orders as are provided for in each year's Tax Act, and on the income of Duties appropri-ated to the Fortifications, in like manner to cross and file such a quantity of the said Orders to be Yearly burnt; and Provision was accordingly made in the Subsequent Tax bills for that purpose.

On the 5th of April 1740 an act was passed to enable certain Commissioners to borrow & take upon Loan a sum not exceeding Two thousand Pounds sterling, and to enable other Commissioners to Stamp and sign certain orders to the amount of Twenty five thousand pounds Currency for defraying the Expence of the Expedition to St Augustine, for the discharging of which said Loan and the Interest thereon, and for the sinking the said Publick Orders, which

which by the Act are directed to be received in pay-ment of Taxes, a yearly Tax of Ten thousand two hundred & fifty pounds Money was to be levied in the Years 1741, 1742, 1743 & 1744 and a further sum of Eleven thousand five hundred and eight pounds in Publick orders was directed to be issued by an Act passed on the 19th of September 1740, to be sunk by a Tax of Eleven thousand five hundred & eight pounds, both which sums of Twenty five thousand pounds & eleven thousand five hundred & eight pounds have, as appears from a state of the Paper Currency transmitted to Us by Mr Glen, Your Majesty's Governor, been duly sunk & discharged according to the Tenor of the above mentioned Laws.

On the 10th of July 1742 An Act was passed, Entituled, An act for the Relief of the Colony of Georgia, and for the Defence of this Province; by which Act Sixty three thousand pounds in Publick Orders were directed to be stamped & issued applicable to those Services, to be called in and sunk within Ten years from the time of issuing the same 1/10 every Year by General Taxes to be levied every Year, and Provision was accordingly

-cordingly made in the Tax Bills of the Three sub-
-sequent years; And Your Majestys said Governor, in a letter which We have lately received from him, informs us, that there remains but a small part of this sum uncancelled.

A further Sum of Twenty thousand Pounds was directed to be issued by the Commis-
-sioners of the Fortifications by an Act passed the 25th day of May 1745, to be cancelled by Dutys ap-
-plicable to the Use of the Fortifications.

Having laid before Your Majesty a full state of the Paper Currency of this Province with respect to the Law now under Consideration, We humbly beg leave to represent to Your Majesty, that altho' the Clauses objected to in the former Act are omitted in this, yet the Provisions in General are fallacious, & defective and in many parts con-
-trary to the very Instruction upon which it is founded.

By this Act Two hundred & Ten thousand pounds in Paper Bills of Credit are to be struck off and Lodged in the hands of Commissioners or Trustees, One hundred thousand pounds whereof is to be changed for the old Bills now outstanding

and

and the remaining one hundred & Ten thousand pounds
lent out at Interest at the rate of 10 ℘ Cent ℘
Annum on Land Security, the Interest to be paid
in Spanish or English Silver Coin at the Rate of
One pound seventeen shillings & six pence, or Gold
at Twenty seven pounds Current Money per Oz.;
which Currency being fluctuating and uncertain
in its Value, We humbly apprehend this to be a
breach of the Act of Parliament passed in the
Sixth Year of the Reign of Queen Anne for ascertain-
-ing the Rates of Foreign Coins in Her Majesty's Plan-
-tations in America.

It is further directed by this Act, that
five Eighth parts of the Silver and Gold, which shall
be paid as Interest into the hands of the Commis-
-sioners, shall by them be annually put out at In-
-terest at the Rates or Value aforesaid, until the
whole principal out on Bonds secured as aforesaid
shall amount unto the Sum of Two hundred
and Ten thousand pounds, at which time the
said Debt of one hundred Thousand pounds will
be entirely paid off & discharged; but how this pay-
-ment will be effected does not appear to Us, the Gold
and Silver to be paid as Interest is not directed to
be

be applyed to the Cancelling the old outstanding Bills nor is there any other Method prescribed or Fund established by this Act for that purpose, so that these Bills will still remain without any Provision for their discharge.

It is further directed by this Act, that "in order to Sink the new Bills of Credit let out "at Interest as aforesaid, the Repayment of the "Principal shall shall commence at the time aforesaid "of the old Debts being paid off and discharged, & thence "forward annually the obligor or Borrower shall "over and besides the Interest due on his or their "Bond respectively pay to the said Trustees one tenth "part of the Principal, and such payments Yearly and "every Year to be made, so that the whole principal "be fully paid and discharged in ten Years;" but this Provision for sinking the additional Sum seems likewise to be absolutely ineffectual, since, as We have already stated, there is no Method prescribed or fund fixed for paying off the original One hundred and Ten thousand pounds; the whole two hundred thousand pounds will therefore in effect remain outstanding without any provision for the discharging it, tho' there is nominally a time fixed in the

act

Act for that purpose, and therefore We humbly apprehend that the Act is in these Respects contrary to the true Intent and meaning of Your Majesty's Instruction

For these Reasons, and forasmuch as there seems to be too great and improper Powers lodged in the hands of the Trustees, without such guards and Restraints as are necessary for the Publick Security, and that the said Act is in many other parts loosely & Injudiciously framed, We cannot lay it before Your Majesty for Your Royal approbation

But as the Merchants, in the Arguments which they offer'd to our Consideration, did not only Point their Objections against this Particular Bill but against any Act whatsoever for the increase of the Paper Currency of this Province, We think it our Duty further humbly to lay before Your Majesty Our thoughts upon that Subject.

Since the Year 1731 the state of the Paper Currency in Your Majesty's Colonies and Plantations in America has been at several times under the Consideration of Parliament.

On the 25th of April 1740 the Commons came to the following Resolution thereupon, vizt

"That the creating and issuing Paper Bills of

"of Credit in the British Colonies and Plantations in
"America, by Virtue of Acts of Assembly there, and
"making it obligatory on all Persons to take such
"Bills of Credit in Payment of Debts, dues and Demands,
"hath frustrated the good Intentions of an Act of
"the 6th Year of the Reign of her late Majesty Queen
"Ann, intituled, An Act for ascertaining the Rates
"of Foreign Coins in Her Majestys Plantations in
"America, and hath been a great discouragement
"to the Commerce of this Kingdom by occasioning a
"Confusion in Dealings, and lessening of Credit in
"those Parts".

Since this the sense of Parliament has been further and in a more effectual Manner manifested, and set forth in a Law passed in the 24th Year of Your Majesty's Reign, intituled, An Act to regulate and restrain Paper Bills of Credit in His Majesty's Colonies or Plantations of Rhode Island or Providence Plantation, Connecticut, The Massachusetts Bay and New Hampshire in America &c.

We forbear to enter into General Arguments against Paper Currency, the foregoing Narrative sufficiently points out the abuses and Inconveniencies of it, the Legislature has seldom or never

never kept their Faith, the Funds appropriated for discharging the Bills having from time to time been Anticipated for other Uses, the Periods fixed for calling them in postponed and prolonged, and in many instances Your Majesty's Orders and Instructions or those of Your Royal Predecessors neglected or evaded.

The Value of the Bills has gradually sunk, and the Exchange of Course rose, as the quantity has been increased, to the manifest prejudice of the honest Creditor.

But since the year 1731, during which time there has been no Addition made to the Paper Currency of this Province the Exchange has remained nearly at the same Rate, so that, if the sum now standing out be not increased, the fluctuation of its value & of the course of Exchange, which is one of the great Evils of Paper Money, will be avoided; and if a proper Fund for the Repayment of it was Established, the Bills would acquire a real value.

The Encouragements given to the Trade of this Province by the Liberty of carrying their Rice directly to parts to the South of Cape Finisterre, and by

by the Bounty upon Indico, have had so good an Effect, that Mr Glen Your Majesty's Governor of this Province, in a Letter to Us dated December the 3rd 1749, represents it as an Improving Province and that their exported Produce sufficiently pays for all their Importations from Great Britain, and leaves a Surplus in their favour of several Thousand Pounds sterling annually; & from an Account transmitted to Us by the said Governor the value of Exported produce from the 1st of November 1749 to the 1st of November 1750, amounts to One hundred fifty five thousand seven hundred eighty one pound twelve shillings and ten pence farthing, whereas according to his Representation the annual Charges of Government are seldom more than nine thousand pounds. By an Account taken from the Books of Your Majesty's Customs it appears, that the value of the Exports from Great Britain to the Province of South Carolina from the Year 1721 to the Year 1730 inclusive, amounted to Three hundred ninety four thousand three hundred and fourteen pounds seven shillings and five pence, and from the year 1739 to the Year 1748 inclusive, to one Million two hundred forty five

five thousand Ninety one pound sixteen shillings and one penny.

The Plea of necessity, by which alone Paper Currency was ever defended, can have no weight in this Case, because it appears evidently, that the Commerce of this Province has been greatly enlarged since there has been no addition to their Paper Currency. They have Commoditys to give in Barter, which every Merchant will be ready to take in Payment; & the Ballance of Trade being in their favour, the Quantity of Current Specie circulating in the Province must of course Increase, unless the Quantity of Paper Money be increased which will naturally drive away all Specie.

Upon the whole therefore We are humbly of Opinion, that it will be for Your Majesty's Interest, the Benefit of Commerce, and the Welfare and Prosperity of Your Majesty's Subjects, Inhabitants of and Trading to this Province that the 99th Article of Your Majestys Instructions to Your Governor should be revoked, and that he should be directed in such manner as Your Majesty shall think proper, to use his utmost Endeavours with the Assembly to

to pass a Law for Establishing a proper & sufficient Fund or Funds for sinking and discharging the Paper Bills of Credit now outstanding within a reasonable Limited Time, and that he should not for the future upon any pretence whatsoever, give his Assent to any Law or Laws for emitting any further Sums in Paper Bills of Credit without Your Majesty's especial Licence for that purpose.

With respect to the Publick Orders, which from the foregoing state appear to have been issued from time to time within this Province, altho' they are not made a Legal Tender in Payments, yet they may have bad effects, if the periods for discharging the same should be at too great a distance or the quantity unreasonably increased We would therefore humbly proposo to Your Majesty, that Your Majesty's Governor should be further Instructed not to give his assent to any Act, order, Resolution or vote within his Province, whereby the time limited or the Provision made for sinking and discharging such Publick Orders as may be at present outstanding be protracted or postponed, but that on the contrary he do take particular care, that the same be punctually and faithfully complied

complied with, and the publick Orders sunk and discharged according to the tenour of, & within the Periods limited by the respective Acts, Orders or Resolutions by which they were issued, and if it shall so happen, that any part of the Publick Orders so outstanding shall have been issued without due Provisions made or Periods fixed for sinking and discharging them, that he do earnestly recommend to the Assembly to make ample and Immediate provision for that purpose, so that they may be sunk and discharged within a reasonable time. We could likewise further humbly propose to Your Majesty, that the Governor should be restrained from giving his Assent to any Act, Order or Resolution for any further Emission of such Publick orders, untill the Assembly shall have made due Provision for sinking and discharging the Paper Currency now subsisting within a Reasonable limited time, and that after such provision shall have been made for sinking and discharging the Paper Currency, as aforesaid, he shall not be at Liberty to give his assent to any Act or Acts for issuing any Greater Quantity of the said Publick Orders, than may be absolutely necessary for the current

current Service of the year, except in cases of sudden and extraordinary emergencies, taking care also that sufficient Provision be made in the said Act or Acts for discharging such Publick Orders within a reasonable Time, not exceeding two years, and that the same be not made a Legal Tender in payment of any private Bargains, Contracts, Debts, dues or Demands whatsoever; But that he may be at Liberty to give his Assent to any Act or Acts for issuing such a Quantity of said Publick Orders as may at any time hereafter be necessary upon sudden and extra-ordinary Emergencies of Government, in case of War or Invasion, taking care in that case also, that sufficient Provision be made for discharging the same within a reasonable time not exceeding five years, and that they be not made a Legal tender in Payment of any private Bargains, Contracts, Debts, dues or Demands whatsoever.

All which is most humbly submitted.

Whitehall }
June 6th 1753 }

Dunk Halifax.
J. Pitt
J. Grenville
Charles Townshead.

B P R O Am W I Vol 11

S Carolina June 25th 1753

My Lord

A few days agoe I received a letter from Mr Dinwiddie Governor of Virginia and several papers enclosed, which contained matters of such a Nature and importance, as made me think it my Duty to transmit Copies of them to Your Lordship, least he should have had no opportunity of doing it from Virginia, they are numbered 1 2 3 4 5 6 I have also taken the liberty to enclose a copy of my answer to Mr Dinwiddie's letter No 7 and I hope Your Lordship will permit me to lay before you some further Remarks and observations upon his letter and the other Papers, altho the matter is so nice and delicate as hardly to admit of being touched by such an unskilful hand, and is of so high a Nature as to be almost out of the reach of an American Governor.

The purport of his letter and the other papers is to acquaint me that an Army of regular Troopes is marched from Canada, Joined with a great number of French Indians, to dispossess the English lately settled upon the Ohio River by the Government of Virginia, and to take possession of these lands themselves and

and to build Forts on that River, and further to acquaint me that it is his opinion, and the opinion of the Council of Virginia that each of His Majesty's Colonys upon this Continent, should raise a number of men to prevent the French from settling there, and to dislodge and dispossess them if they have settled, and desiring to know the number of men that may be supply'd by this Government, he further acquaints me that the number of the French Troopes is said to be six thousand, but that he cannot think they can exceed 1000 or 1200 Regular Forces, besides their Indians.

In the first place I must pray Your Lordships to observe that the only foundation upon which these accounts is built is reports of Indians and upon such subjects it will not be safe to lay much stress upon their intelligence. Mr Johnson's letter to Governor Clinton No 2. says that some of the People belonging to the Five Nations had seen a great number of French and March well equiped for War, and they dispatched two of the number with the news to Onondago, and that Nation had forwarded it to Mr Johnson by a fresh Post in 48 hours, and in the Postscript it is said that they Judge the number to be about 1200 and that there

are

are a great many Officers and young Gentlemen by their appearance.

This letter is dated April the 20th, consequently the news must have been dispatched from Onondago about the 18th but by Mr Mountours Declaration No 4 it appears that he was upon the very spot (Onondago) at the time this news is said to have been brought thither, and it is impossible that he who is perfectly acquainted with their language, whom they call their Son, and who is one of their Council, should not have heard this news, if he did, it is strange he should suppress it, for he neither mentions it in that Declaration nor in his more Circumstantial account to Mr West No 5.

As to the numbers said to be seen by these Indians, it is well known that all Indian accounts gather strength as they go, and this News has travelled a great way through their Country, I have known a small Party swelled by them to a considerable Army, their Fears often multiply the numbers.

Mr Wests Letter to Governor Hamilton No 5 also terminates in Indian intelligence, what he says, is that Mr Mountour acquainted him that whilst he was at

at Onondago, a message was brought by 4 French Indians from the Governor of Canada, to inform the Six Nations that he intended to send an Army of 6000 Troopes, besides Indians, to the Ohio to remove the English, and to settle these Lands with French, and build Forts. but those Indians may have greatly magnified the Force or Mr Mountour may have forgot the numbers, for I perceive that he cannot write. Mr Dinwiddie gives little Credit to that account of the numbers, for he says he cant think they can exceed 1000 or 1200 regular Forces, but I must observe that he had no other Foundation for building this belief upon, than the above Reports, which appear to me to be very Vague, and I think could not Justify my taking any Steps, but what I have recommended in my answer to his Letter

I shall now take the liberty to examine what Mr Dinwiddie says, and I shall recite his own words By the within papers you will observe that the French from Canada have marched a large Force of regular Troopes and Indians not only to prevent our Settlement, but to take possession of these lands &ca. that we have an undoubted right to, not only as a back of this Dominion, but also by a concession of the

the native Proprietors, nay I may say, by a fair pur-chase, as their agreeing to our Settlement was in consequence of the Present given them (from his Majesty) I am affraid that the expression the back of our Dominion would not be thought by the French to be so clear and accurate as such a subject requires, they might perhaps interpret it to mean At the back of that Dominion, more especially as Mr Dinwiddie says in his second Paragraph, that it is to the West of that Dominion, and in a subsequent Paragraph that that the Lands on the Ohio are near their back Settlements, and in another part, that if the French are allowed to Settle there, they will continually har-rass their Back Settlements

He alledges it is ours by Concession of the Native Proprietors, but there are few or none of the Indians there who can properly be called Natives, Ab-origines, for the present Inhabitants or Occupiers of those parts consist of small Tribes of different Nations, Sen-necas, Schawanoes, Delawares, but the property, the Dominion belongs to other Indian Nations who say they conquered that Country, and will therefore Claim it as being won by their Bow, and bought with their blood, and I perceive that the Indians of the Five

Nations

Nations assert their Title to it, but had the absolute Right been in the present Inhabitants, I cannot gather from Mr Dinwiddies letter that they have aliened these Lands or that anything they did can be interpreted to be a Cession of them. He says that the Sachems and Chiefs then present agreed to our Settling the Lands, and that they further gave leave to build Forts on the Ohio River, but I can hardly think that a verbal permission from some of the Headmen to Settle there, or in other words to live among them and Trade with them &ca or even giving leave to build to Forts can be deemed a Cession of their Right to these Lands, such a permission neither conveys the Dominion nor possession of the Country, on the contrary our desiring their permission, may be said to be a tacit acquiessence and acknowledgment that they retain both.

As to the last Claim, that of being a Fair Purchase, for (the reason assigned is) their agreeing to our Settlement was in consequence of the Presents given them, I am affraid that will be reckoned a bad Title, a Purchase is a contract or Convention betwixt one Party and another, the intention of both parties ought to be made known, expressed and understood by each other, the thing to be sold should be described and there should be

be a certain, that is, a precise Price agreed upon and paid, and there can be no purchase without this for it is a known rule in Law Nulla Emptio, Sine Pretio, esse potest, but a Present from the King can with no Propriety be called a Price, tho I heartily wish that a fair purchase had been made, for such Transactions not only quiet the Indians, but make them readily joyn in defending any right said to be derived from them, and I humbly submit it to Your Lordship if it might not still be advisable to make such a Purchase from the Indians, even tho the French may of possessed themselves of those Lands, for it can never be said that they conquered them, they are Intruders, and violent Possessors, and the Right remains. When Hanibal had overrun a great part of Italy, and was set down with a powerful Army at the Gates of Rome the particular Lands upon which his Army Encamped were that very day sold publickly in the City at as high a price as if there had been no Enemy in Italy.

A few years agoe the Transactions between Governor Thomas, and some Indian Nations to the Northward, were printed under the Title of the Treaty of Lancaster, Commissioners from Virginia were sent to that meeting, and were Partys to that Treaty, they put the Indians

Indians in mind that many years before they had given (put) themselves and their Lands under the King of England's protection, and insinuated that they could not therefore call them their own, but perhaps it may be doubted whether this made them Subjects and Vassals or whether it gave away the absolute Property of their Lands. It may be said, that they came in Patrocinio, in Fide et Clientela Regis sed non in ejus Ditione; and in all cases of settling new Lands altho within His Majestys Charter, I hope Your Lordship will think it advisable for us to make fair Purchases from the Indians, and by some Papers that I have transmitted by this conveyance to the Lords of Trade, the necessity appears and may require the immediate notice of the Government.

I shall now proceed to lay before Your Lordship a few clear and undoubted Facts. It cannot be controverted that the English took publick possession of Virginia by virtue of a Public Charter from the Crown of England, that they were in possession above four score years before Monsieur Lasalle or any other Frenchman had ever seen the Mississippi, and that they have continued in the undisturbed possession of it ever since, and that by the Charter, the West Bounderie of Virginia is the South Sea, that all this is at least a good

Bar

Bar against all other European Princes, but that France in particular, is barred by express Treatys, subsisting between them and us.

Your Lordship will please to observe that Governor Hamilton in his letter No 6 calls this step of the French, a proceeding in direct Violation of Treaties subsisting between the Crowns of England and France, by which a mutual Right to a free and open Trade is firmly and clearly stipulated, I am at a loss to know what Treaty he means, and I presume he is under some mistake.

The Treaties which I humbly conceive absolutely exclude France from any part of Virginia are the Treaty of Breda concluded betwixt Great Britain and France in 1667, and the Treaty of Peace and good Correspondence in America concluded betwixt the said Two Crowns in 1686. By the first it is stipulated betwixt the King of Great Britain and the most Christian King That they should forbear to wrong or injure one another, no more are they to molest or incommode one another in any manner whatsoever, either by Sea or Land or on Rivers <u>In any part of the world whatsoever</u> That America was included in these last words I think there can be no doubt, for there are several Stipulations in the said Treaty with regard

regard to St Christophers Antigua Montserrat and Acadia and least there should be any doubt that the words In any part of the world whatsoever, referred to America. by the 19th Article of the Treaty in 1686, A Treaty calculated for America, the aforesaid Treaty of 1667 was to remain in force and be observed, which I think would not have been done had it not referred to America, and by the 11th Article of this last Treaty, it is agreed that the Governors, Officers and Subjects of either King shall not anyways molest or disturb the Subjects of the other in Settling their respective Colonies, and by the 1st Article of the said Treaty, it is also agreed that there should be a firm Peace Unity Amity and good Correspondence as well by Land as by Sea between the British & French Nations in America, and within the Colonies and Governments belonging to the King of Great Britain, and the most Christian King or which are under the Government of either of them respectively.

That the Country of Virginia, Bounded as in the aforesaid Public Charter, by the Atlantic Ocean on the East, and the South Sea on the West, was at that time, and had been for above 100 years before, a Colony and Government under the Jurisdiction of the King of Great Britain, needs no proof, and France neither had, nor

nor pretented to have, the least right or Claim to any Lands or Territories within these limits

Monsieur Lassalle pretended to have discovered the mouth of the Mississippi in the year 1686, he was murthered by some of his People in 1687 and the rest returned to Quebeck in 1688, and in September 1712, Lewis the 14th is said to have granted a great part of the Country about the mouth of the Mississippi River, under the name of Louisiana to Monsieur Crozat

It is clear therefore that we were in possession of Virginia long before either of these Treaties Surely the French will not pretend that it was necessary to assertain the limits Circumeando, Circumambubando, it is enough that they are clearly described in the above Public Charter, and that we had taken possession of some parts with an intention to possess the whole, this is clear from the first of the third Law de adquir: vel amit. poss:

I thought it my duty to give Your Lordship the earliest notice of these news, I have laid them before you purely as I received them, I have also represented them in the light in which they appear to me but I have not presumed to express my Sentiments of the dangers that would arise to all His Majestys Dominions

on

on the Continent should the French continue there, because I am confident it will not be permitted.

I have clearly traced their Emissaries in all our Indian Nations for many years past, and tho they moved by slow and very secret steps, yet as their designs were not the less dangerous, for being covered, and concealed I made it my study narrowly to watch them; & they have gained no Ground in any part near this Government, as may appear by the letters I now transmit to the Lords of Trade, and if they have made no greated advances elsewhere, they have been too hasty in throwing off the mask by this bare faced attempt upon His Majestys Dominions, for his Provinces to the Northward are full of hardy inhabitants, and it is to be hoped their Neighbouring Indians are in friendship with them, this Colony is but thinly Peopled but we are more powerful in Indian Allies than any other, the Cherokees make up near 3000 Gun men, the Creeks 2500, the Catawbaws about 400, and the Chickasaws rather more, none of these are under French influence and whenever His Majestys Service requires it. I hope I shall be able to shew that they are greatly under the Influence of this Government.

I have the honour to be with the greatest Respect, My Lord, Your Lordships,
Most Obedient and most humble Servant
James Glen

Right Honble
The Earl of Holderness

B P R O A W I Vol 66

[Inclosure to Govr. Glen's Letter of 25 June 1753] No 1.

Williamsburg Virginia May 23rd 1753

Sir

By this express I enclose your Excellency a Copy of several Papers sent me express from Philadelphia Mr Hamilton the Governors letter to me, as also a Copy of Andrew Montours Declaration on delivering a message from me to the six united Nations of Indians as these Papers contain affairs of great Importance to His Majestys Colonies on this Continent, I thought it necessary to give you as early Intelligence thereof as possible

I must observe to you that Last year I sent Commissioners to the six Nations, and other Indian Nations in Amity with us and them to the West of this Dominion, with a handsom Present to them from his Majestys, They accordingly met our Commissioners at Logs Town on the Ohio, where after delivery of the Present the Sachems & Chiefs then present Confirmed and Ratified the Treaty of Lancaster and all our former Treaties with Them

The intention of this Treaty was to deliver the Present and to obtain their assent to Settle the Lands on the Ohio, which were Granted by patent from his

his Majesty, to some Gentlemen in London and in this Dominion, which the Indian Chiefs then present imediately agreed to and further gave Leave to build two forts on the Ohio River agreeable thereto, there are one hundred and fifty Families gone out to begin the Settlement.

By the within Papers you will observe that the French from Canada, have marched a Large Force of Regular Troopes & Indians not only to prevent our Settlement but to take Possession of these Lands & to build Forts on that River; a Step not Precedented in the time of Confirmed Peace with Britain & France, to Invade the British Territories & Lands, that we have an undoubted Right to not only as the Back of this Dominion but also by a Concession of the Native Proprietors; nay I may say, by a Fair Purchase, as their agreeing to our Settlement was in Consequence of the Present given them.

This affair I conceive of very great Consequence to all his Majesty's Collonies on this Continent; I imediately called a Council, they all agreed with me that it was absolutely necessary to Send an Express to you with a Copy of the Papers, as also to send to the Catawbaws, Cherokees, and the other Indians in Friendship with us to put them on their Guard for fear of Surprize which I am preparing to do.

We

We are further of opinion, that Each Colony should Raise a number of men, which with the Assistance of the Indians in Friendship with us may be able to prevent the French Settling the Lands on the Ohio and if Settled to dispossess them, as this affair will require some time We thought it proper to intimate the same to you, and the other Governments to know Your and their thoughts thereon, and if you are of opinion with us we shall be glad to know the number of men that may be supplyed from Your Government. For the French possessing the Lands of the Ohio, which are so near our back Settlements will in time Effect all our Colonies, and indeed they are very disagreeable Neighbours and no doubt in time will multiply Fast.

We are also of opinion, that it would be very agreeable if you possibly could make Peace between the Creeks and Cherokees, for the Assistance of the Indians will be of very essential Service.

You will further please observe, that it is of the Last Consequence Tacitly to allow the French a Settlement on the Ohio, as they will continually harrass our back Settlements and also enhance all the Indian Trade to the great Loss & prejudice of Great Brittain, it appears to me, to be an affair that requires the Serious Consideration of all the

the Brittish Governments on the Continent.

I have wrote to the Governor of Pensylvania to desire Mr Clinton Governor of New York to send an Express to the Governor of Canada to know his Reasons for this Invasion on his Majesty of Great Brittains Territories, in the time of profound Peace between the two Crowns, and so soon as I can hear proper account of their Transactions on the Ohio I shall transmit the same to the Ministry at Home, that if they see proper, they may apply to the Crown of France, but at the same time, I think we should do all in our power to prevent their Settlement.

Last Week I was informed that the Emperor of the Cherokees with his Empress, Son and some of his Officers, who were here Last fall were intercepted in their Return to their own Country by some French Indians, They say that they Scalped the Emperor and carried the other Prisoners to Canada, this wants Confirmation but Mr Montour who I had sent to the six Nations, Says he had heard the same at Onondago.

I shall be very glad by the return of this Express that Your Excellency will Please to send me Your Opinion on this Emergent Occasion and what aid may be Expected from Your Government and if it should be thought proper, next fall to endeavour to dislodge the

French

French from the Ohio, if they should presume to settle if you could not Engage some of the Creeks and other Indian Nations Contiguous to you to Assist in this Attempt to Disappoint their Designs

For I take it to be a great Insult on Great Brittain at this time to make an Invasion on our Lands The Number of the French Forces are uncertain, Some say Six Thousand but I cannot think they can exceed one thousand or twelve hundred Regular Forces, besides Indians, but I expect soon to have a more explicit account of the Numbers & Intentions.

I have been told that for many years they have been Tampering with many of the Nations of Indians to the Westward of us the Picts & Twightwees two powerfull Nations near Lake Erie, Last fall sent me a message of their strong inclination to enter into a Strict Friendship with Brittain I returned a Suitable answer and Desired them to send some of their Chiefs to Winchester a Back Town in the Dominion above two hundred miles from this, when they should receive a handsome present of Small Arms, Ammunition &c to Confirm them of our Great desire to Cultivate a strict Friendship with them, which Present is now lying there for them, but I fear this Attempt of the French will

prevent

prevent their Coming, as they must Come by the Logs Town or the Ohio however if they Can pass them there is a Commissioner with the Presents Ready to Receive them.

I could not well abreviate this Letter, as I Intended to give you as Clear a Detail of the affair as possible.

Please give the Messenger all necessary Dispatch with Sincere Regards

I remain in Great Truth

Your Excellencys

Most Obedient Hum Servt

(To Govr Glen) Robt Dinwiddie

N^o2 [Inclosure to Govr Glen's letter of 25 June 1753]

May it please Your Excellency.

Last night I was alarmed about twelve of the Clock by two Conajohaice Indians, accompanied by a Great many Mawhaks, who came hooping and Hollowing in a frightful manner, with the enclosed String of Wampum to acquaint me (by order of the five Nations from whence it came by fresh posts in Less than forty eight hours that some of their young men who were hunting near a place Called Swegaachey below

below Cadaraghque having seen a Great number of French Indians march well equipped for War to the said Place which it Seems is their Rendezvous, dispatched two Brisk young men with the News to Onondago, the rest remains to watch the French's motions, to see if they pass the Roads Leading to their Castles, if so, then they are Certain their design must be against the Ohio Indians, Twightwees &ca and in order to prevent the said Indians being Surprised by them, they beg Your Excellency would as soon as possible send them word of the French's being on the way thither and that by the way of Philadelphia, as it is by much the nearest. But on the other hand should the said Army turn towards the five Nations as they from their Fears seem to think they may, there will be an Express with a Large Belt of Wampum sent to acquaint us of it and desire our assistance both of men and amunition which they earnestly desired I would Instantly inform yr Excellency of Nay so Intent they were on it, that they would not be Satisfied until I wrote this and dispatched it to Albany by one of my own men on horse Back in their Presence so that I hope yr Excellency will excuse my Blunders I have made & Believe me with the Greatest Esteem

imaginable

imaginable

Your Excellency's
most obedient Servant

(To Lt Genl Dinwiddie) William Johnson

P S They judge their number about Twelve hundred besides the Botteemen and say that there are a great many officers and young Gentlemen by their appearance April 20th 1753

New York April 30th 1753

[Inclosure to Govr Glen's letter of 25 June 1753 No 3]

Fort George New York 30th April 1753

Sir

Last night I received Intelligence of an Army of French and Indians discovered by some of our Indians Just time before the Post Leaves us to enclose you a Copy of the Letter from Colo Johnson with this advice and therefore beg you will be pleased to forward the Intelligence to the Governor of Maryland Virginia and Carolina That the Indians in Friendship with us may be aprized of it as early as possible and put upon their regard

Lic

I am with very great Truth

Sir

Sir

Your Honors obedient
Humble Serv.t
(To L.t Gov.r Dinwiddie) G. Clinton

[Inclosure to Gov.r Glen's letter of 25 June 1753 No 11]

Belvoir in Fairfax County 15 May 1753

Then M.r Andrew Montour came and expressing his desire to have his Message to and from the Sachems of Chiefs of the six Nations of Indians set down in paper to assist his memory and prevent mistakes

Declared

That about the 15th April last being at Onondago A Council of the six Nations was called and met, when the said Montour told the Council He came from the Governor of Virginia to Acquaint them he had Kindled a Fire at the Town of Winchester in the County of Frederick, and a Plain and good Road was made all the way to Onondago that nothing might obstruct their coming to Winchester to Receive any Presents intended from Virginia to their Comunity and thereupon gave them a Belt of Wampum

After Six Days deliberation M.r Montour Rec.d the following answer

That

That they the said Sachems and Chiefs earnestly desired the Governor of Virginia to use his power and influence to prevent War and Bloodshed, with the French and their Indians especially on the Water of the Allegany and Ohio It being their best Grounds of Hunting, in Token whereof they gave a Belt of Wampum

They also desired the Governor of Virginia to believe that they the six nations did very much dislike the unpeaceable Practices of the French and their Dependent Indians, and will do their utmost Endeavours to prevent such irregularitys and Hostilitys from taking any ill Effect among their Good friends and Brothers the English.

They likewise desired that good Faith and Credit might be given to what their Son Andrew Montour also one of their Council, should say to the Governor of Virginia in their Names.

And further more that the two Belts might be returned to the Sachems or any of their Chiefs at a future meeting of Treaty or agreement.

Andrew his + mark Montour

(Indorsed Montour's Declaration)

Inclosure

[Inclosure to Govr Glens letter of 25 June 1753 No 5]

Surquehanah May 7th 1753

A Paragraph of a Letter wrote by William West to the Governor of Pensylvania

Andrew Montour, Relates that some time after he had Come to Onondago, there arrived there seven French Indians with a Belt of (all) black Wampum Six feet Long and twelve Granes of Wampum in Breadth, to Inform the Six Nations by order of the Governor of Canada that they intended early this Summer to be at Ohio's River, with a Large Body of men two hundred and fifty of which were now (and has been upwards of two months) at a Carrying Place that Leads from Niagra to the heads of the Ohio's building Cannoes and making other Preparations for the Reception of the Remainder of their Army. That about the Last week in April the said Army to the number of Six Thousand French and a Large number of Indians, were to set off from Mon-treal to Join the aforesaid two hundred and fifty and from thence proceed Directly to the Ohio's, that when they arrived at the Logs Town they Intended to build three Forts one at the Forks of moninglolah (about four-teen miles on this side of the Logs Town and on this side of the Ohio's) another below that and the other above

above it but so as not to be far assunder, that if the English Traders would Imediately quit the River on their Commanding of them to go off, they would let them go unmolested but if they or the Indians should make any Resistance, they would take them all Prisoners and perhaps kill some of them, and that he the Gover-nor of Canada would not suffer any further Trade to be Carried on by the English, on the waters of the Ohio's that Onondio had sent them the six Nations This Belt of Whampum as well to Let them know his Intentions of Settling the Ohio as to desire they would assemble a Body of their Warriors which he would Cause to be Joined by a Large Body of their Indians to go to fight the Catawbas, for that he (their Father) was Sorry to hear the Catawbaws had killed so many of his Children (the six nations) and that he hoped by his assistance they would Cut them entirely off upon this Coswonthyony & Assugerizeree two of the Chiefs of the six nations, Stood up and Told them they would send for some of their Chiefs not then present to whom they would Communicate this Speech and that in a few Days they would return them an answer Mr Montour (at the Request of the Onondago Council was present at the Delivery of this Speech and the following

answer

answer to it in three days after they assembled a Council & Cosswonthyony Standing up told the French Indians to Onondio that he by order of the six nations would return the following answer to his Speech To Well That They the six nations had made peace with the Catawbaws and that they would not Break their Friendship with them that they Looked upon it that Onondio intended to Deceive them, for that when their Warriors were gone to fight the Catawbus, they imagined he Intended to take the opportunity to fall upon the Ohio Indians and Cut them off upon which they returned them the Belt of Wampum and further desired them to tell Onondio, that the Lands of Ohio was theirs and that their Father had no Right to it, and therefore must not Breed any Disturbance with their Brethren the English, nor attempt to build any Forts nor Spill any Blood on their Lands, and that Neither the French nor English had any Right to the Ohio Lands, for that them Lands was the Chief of their Hunting Ground and that they would keep it to themselves, for their Young men to Carry on a Trade upon, that if Onondio had a mind to make War against the English, he must do it on the Great Waters, and to tell Onondio, that what the six nations had must Stand Firm, to

Confirm

Confirm what they said, they desired them to present Onondio with that Belt of Wampum, here they Gave a Large Belt of White Wampum.

[Inclosure to Govr Glen's Letter of 25 June 1753]

Philadelphia 6th May 1753

Sir

Happening to be from home when Your Letter of the 5^t October came to hand I could not return you an answer by the Surveyor General as I certainly should have done had I had the pleasure of seeing him I concur with you in opinion that the Indian Traders are a very Licentious People and may have been Guilty of many Bad Practices nor is it to be much wondered at, Since altho, we have Laws in this Government directing them to give bond with Security for their good Behaviour yet they constantly neglect to do it nor can the Grand Juries in those remote places be prevailed upon to find Bills of Indictment against them tho the Facts be ever so clearly proved as soon as I Reced your Letter I forthwith applyed myself to Enquire after the Persons concerned in the Facts mentioned in the Affidavits therein enclosed but was informed they were Gone to Alleghney particularly Taff & Callender and I believe they are not yet returned, but

but as they may be soon expected, I have sent Copies of the Affidavits to the Prothonotary of Cumberland County where they Reside with directions to take their Examinations and send them to me and they shall be Transmitted to you by first Conveyance, after I shall have Recd them and I heartily offer you my assistance to bring them and all evil Doers to Justice. Immediately on the Receipt of the enclosed Letter from Governor Clinton on the 4th Instant I dispatched two messengers to Ohio to make known to our Traders and Indian Allies the Intelligence therein contained one of them goes the Lower way Thro your Government the other by way of Juncata by which means the Accounts will be the sooner and more generally Spread. And I am in Hopes they will arrive Time enough to give the Traders an opportunity of securing their Persons and Effects. I presume you must have Recd from Capt Trent an Account that Hostilities have already begun by some Parties of the Ottaway Indians at Alleganey, and that some of our Traders have been taken and murdered, and others plundered of their Goods, & that a Large Body of French and their Indians was expected at Ohio with Intent, as it is said, to take Possession of the Country and

and Effect the Total Expulsion of the English. In which Case the Indians in our Alliance will be no longer able to maintain their Independency but all must fall into the hands of the French; nor can the Governors of Virginia Maryland and Pensylvania expect Long to Preserve Peace in the Parts bordering on these Indian Countries a most unhappy Situation this both for our Indian Allies and his Majestys Subjects and a Proceeding in Direct Violation of Treaties Subsisting between the Crowns of England and France by which a mutual Right to a free and Open Trade is firmly and clearly Stipulated —

Our Assembly being to sit on the twenty first of this month, will give me an opportunity of communicating this Intelligence to them and expressing my own Sentiments of the Necessity of Giving our Allies some imediate assistance and I doubt not you will think something of the same kind ought to be done on the part of your Collony, in the mean time I think it necessary, as soon as we are able to establish clear Facts with regard to these proceedings that the same being duly proved and authenticated, should be Transmitted to his Majesty's Ministers, in order to enable them to form a true Judgement of the Conduct of the French and of its Consequences to the Independancy of the

the six nations to the Rights of a free and open Trade and to the safety of the Lives and properties of his Majestys Subjects Residing in North America.

I should be well pleased to know wether it be intended by your Collony to Erect any kind of Forts on the Lands Granted to the Ohio Company and my Reason for desiring this Information is that I have Received Directions from the Proprietors of Pensylvania to enter into any Reasonable Measures to assist you in any Design of that sort. Only taking your acknowledge that this Settlement shall not prejudice their Right to that Country, and further, That I may assure the Settlers, they shall enjoy the Lands they bonefide Settle on the Common Quit Rent and in all things to Endeavour to maintain a friendly and open Correspondence with you as being a Gentleman they have a Great Regard for and I the more Readily obey their Commands in these several Particulars, as they are Perfectly agreeable to my own Sentements and Inclinations.

Being with all Imaginable Regard

Sir

Your most Obedient and most

Humble Servt

[To Lt Genl Dinwiddie] James Hamilton

(Inclosure

[Incolusure to Govr. Glen's letter of 25 June 1753]

South Carolina June 21st 1753

Sir

On the 12th of this Instant your Express brought me your Letter dated the 23rd of May Last Inclosing the Copy of a Letter from Governor Clinton, and another from Govr. Hamilton, with several other Copys of Papers referred to, and as they contain Matters of great importance, I without Loss of time communicated them to the Council, who considered them with that attention that is due to everything that so greatly concerns His Majestys Service, and the British Interest, that may so nearly affect the Present Peace of a neighbouring Province, or by the Consequences may disturb the Tranquility of all the Colonies upon the Continent, in short that may Involve us in trouble, or have what the French call Des Suites facheuse.

The Gentlemen of the Council were of opinion that it would not be adviseable for me to promise any great assistance from this Province in its present Situation more especially as the very Person from whom you have the Accounts of the numbers of the French Army gives you also information that a part of them is designed for the Utter destruction of the Catawbaws, and as the Sole dependance of that Little Nation is upon this Government, it is

proper

proper we should endeavour to protect and defend them indeed it is our Interest and absolutely necessary for us to do so for they form a part of our Barrier, and if they are cut off a door will be left open to the French Indians to harrass our New Settlements in these out parts.

I am sensible how greatly it concerns the peace of all His Majesty's Colonies upon this Continent to keep the French at a distance, it not only concerns the peace but the very being of this Province, for Compared with Virginia and some other Northern Governments it is but thinly Peopled, our great Security is the Friendship of the Indian Nations, which I therefore Study to Cultivate with the greatest care And as I find the French spare no Pains in Stirring up Strife, that by constant Wars they may weaken one another, I endeavour to heal and reconcile all their differences.

I have for sometime past taken a good deal of Pains to make a firm peace between the Creeks and Cherokees, and am not without a prospect of Success I am Equally desireous that there should be peace between all our Indians and the six nations, and I sent proposals to the Northward some time ago to that purpose, I hope you and Govr Clinton will strengthen my hands in this good Work, if it could be brought about

I

I could venture to promise a considerable Number of Indians to be Employed in defeating any design of the French for the Future; But in their present State they have either Succeded or failed, if they have succeeded and made a Settlement, with such an Army as you have Advice of, I cannot be of opinion that it will be safe for me without special directions from His Majesty to take any steps to dislodge them or in other words to destroy them. And therefore with great defference to you and the Council of Virginia I offer it as my Opinion that a full Representation should be laid before His Majesty of the several Steps taken by you to settle that Country and a particular detail of the Measures the French are pursuing to dispossess you of it, and to settle it themselves and that we should wait till His Majesty's pleasure is Signified before we can Warrantably proceed any further

But I think you very Justly doubt the Information you have received as to the Number of Men Indians never see & seldom speak of thousands, so they may mistake, and from a long and pretty Intimate knowledge of them, I have Learned to mistrust their Accounts upon such Subjects, their Fears often Magnify appearances, and they are not very Scrupulous or Exact

in

in Numbers.

I Hope all His Majesty's Colonies upon the Continent will make a common cause of it, when any part of any of them is invaded, but in the Present case this Province is very nearly concerned Proximus Ardet, for which reason and from the Earnest desire that I know they have of Expressing their Zeal for His Majesty's Service, they will according to their small Ability exert themselves like Loyal and Grateful Subjects in Executing His Majesty's Commands.

I am with Sincerity and respect

Sr

Your most Obedient Servt

(To Lt Genl Dinwiddie) James Glen

P. S.

The Emperor of the Cherokees is very well but was barbarously beat by some Persons in your Province who tied him like a Slave, he afterwards out of revenge burnt the fine Cloaths and other Presents that you had made him I look for him every hour, and therefore I detained Your Express in hopes to have given you full account of that Transaction that they might be punished

B P R O South Carolina B T Vol 17 K83

South Carolina June 20 1753

My Lords

My last Letters to Your Lordships upon Indian affairs were dated in December I then acquainted you that I had received Accounts from the Governors of New York and Virginia, that a Party of French and their Indians were gone to War against the Catawbas, and tho' I was under a good deal of concern for such faithful friends, yet I considered that tho' they are a small Nation yet they are very brave Men, and the Situation of their Towns makes them stronger than any Indian Nation of double their Number, for they are very compact, all their Gun Men, which I am told amount to near 400, can be called together in two hours time but as the Road of the French Indians to the Catawbaw Nation lies pretty much thro the Country of the Five Nations at least through their hunting Grounds I presume they have been perswaded by them from going to War against the Catawbaws and prevailed upon, to go against the Southern Indians under which Title they include Chiefly the Creeks with whom the Five Nations are at War, the Chickesaws,

and

and the Indians that live in our Settlements; and accordingly several considerable Gangs have past through the Cherokee Country to War against the Creeks and many others have come into our Settlements and several of our Indians they have Murdered, and carried off many into Slavery, although their have been repeated orders for these three Years past to all the Militia Officers throughout the Province to raise their respective Companys and apprehend them, if Possible, by fair means, and if they resisted to use force, but they have generally kept in thick Woods and almost impassable Swamps, some of the late Gangs have not however been so cautious but have ventured to come into White Peoples houses and have forced Provisions from them, and have killed their Hogs and Cattle out of Wantonness or rather purposely to provoke them, and about two months ago one of these Gangs had the boldness to come into a house within 34 Miles of Charles Town, they murdered the Master of the house, a very Industrious Dutchman and carried off into a Neighbouring Swamp a Young Woman where they abused here all night long; Rapes and Murders obliged me to Issue the Inclosed Proclamation which I did by the advice of the Council. But

But Your Lordships will perceive by the Printed Resolutions of the Assembly that they are constantly endeavouring to grasp at Government and that they were of opinion that I had not gone a great enough length, but there was at that time a large Party of the Five Nations who had been sent to visit their Brothers the Catawbas and who upon such occasions generally hunt round the Catawbas Nation with them for Provisions and had our People fallen upon them without any Previous Intimation it must certainly have had the Effect to Involve this Country in an Indian War which might have proved a very general one however I immediately sent my Proclamation to the Catawbaw Nation and had it read and Interpreted to many of the Headmen of the Five Nations who were then there desiring them at the sametime to caution their Young Men and Warriors from coming into this Country least they should be mistaken for French Indians who do us so much mischief.

I also acquainted Your Lordships in that Letter that I had Received Intelligence from French Deserters that a Body of Men consisting of French & Indians were to be sent to cut off the Chickasaw Nation

Nation but as our Agent in the Creek Nation had earlier Intelligence of it he had sent to put them upon their Guard which had a very happy Effect, for they had time enough to call in all their Hunters and to build a small Fort at that part where they expected to be attacked. At last the French Indians (mostly Chactaws) appeared but there were no French Troops with them and as there are many of the Chactaws who call themselves friends to the English I am informed that when they came within 8 or 10 Miles of the Chickisaw Nation they divided from the others under pretence of attacking the Chickasaws on another Quarter that they might be betwixt two Fires but it proved but a faint for they never came near the Nation and the others seing a Fort whereby they little Expected any, found that they were discovered and so thought it most adviseable to Return home, they had a slight skirmish with the Chickasaws in which they lost three men; as there has been no Body from thence since last December this is all the Information I can give your Lordships at present concerning the Chickasaws, only that I have been informed that there was a Second and more

vigorous

vigorous attack intended this Spring I therefore pre-
vailed with a Noted Headman of the Cherokees
to go to their assistance, which he accordingly
did several Months ago, carrying with him four
hundred men and I hear that he is Returned
from thence within these three weeks, as for
the affairs of the Creeks and Cherokees you will
have a more perfect Idea of them from some parts
of the late Transactions or Treaty betwixt the
Creek Nation and this Government than can pos-
-sibly be conveyed to you in any other manner.
I have therefore transmitted them to Your Lordships
Intire and without the alteration of a single word,
They passed in the presence of the Governor, and
Council, most of the Members of Assembly that
were in Town, and all the Gentlemen of distinction
in this Place, They were Interpreted by a Person
very skillfull in their Language, who was sworn,
not only to give the true and perfect Sense of
what the Indians said, but to translate their
very words into English. There were five other Per-
-sons present almost equally skillful in that Tongue
who were desired to correct him if he either altered
the sense or varied the words, and every thing was
taken

taken down in writing by the Clark of the Council and by the Commissioner for Indian affairs, and the next day they were Shewn to the sworn Interpreter, who Certified, that they contained not only the genuine sense but precise words that passed without any addition omission, or alteration whatsoever.

I have been the more particular in mentioning these Circumstances as it can hardly be Credited that People who are generally called Savages could make such proper pertinent Speeches, and many of them without premeditation, and I have also been more minute in this Account as they contain some matters of great Importance to the Peace of this, and the Province of Georgia which I promised to represent to Your Lordships.

King Malatchi was the Chief Speaker I mention'd him in one of my Letters in October 1750, and what I then said was from Information that I thought could be depended upon, but I have since been undeceived by better authority. During this last War with the Cherokees he has been indefatigable and successful, his Single Arm and the Parties that he has Headed have done more hurt to the Enemy, than they received from all the Creek Nation, besides, so that

that his very name became a Terror to them, and he is now looked upon by all his own People as the greatest Leader they ever had; his speeches which were delivered with the Dignity of a King, and with the greatest distinctness, shew that he is a Man of Admirable Sense, and his whole behaviour during his stay here has charmed everybody. There are other considerable Men in that Nation, but he is really the Chief, and is Chiefly to be noted by us, the more; that he is much courted by the French; I have entirely weaned him from them and if he can be kept so, we may be pretty sure of the Friendship of the Creek Nation.

The Laws passed lately by me with a particular account of all other affairs relating to this Government, shall be transmitted by the first Ship that Sails

I am with the greatest Respect
My Lords
Your Lordships
most obedient and
most humble Servant
James Glen

Right Honble
Lords Commissioners for
Trade & Plantations
Recd August 20th } 1753
Read April 5. } 1754

B. P. R. O. Plantations General B. T. Vol. 55. p. 159.

Deputation from John Hammerton Esqre to William Simpson Esqre to be Deputy Secretary to the Province of South Carolina. July 4th 1753.

To all whom these Presents shall come or may concern, Greeting.

Whereas His Majesty Our Sovereign Lord King George the second by his Royal Letters Patent under the Great Seal of Great Britain bearing date the eleventh day of February in the fourth year of his said Majesty's Reign was graciously pleased for himself His Heirs and Successors to give and grant to Edward Bertie and John Hammerton Esqre the Offices of Secretary and Register of His Majesty's Province of South Carolina in America and Secretary and Register of our said Province of South Carolina and to make and constitute the said Edward Bertie and John Hammerton for their Joint Lives and the Life of the longer liver of them with all Fees Perquisites and Emoluments belonging or appurtaining

appertaining to the said Offices of Secretary and Register in the said Province in which said Letters patents are contained these words following (to wit) And We do hereby for Us Our Heirs and Successors Grant unto the said Edward Bertie and John Hammerton full Power and Authority by them=selves or either of them or by their sufficient Deputy or Deputys by them to be appointed by writing or writings, under their Hands and Seals to be pre=sent at all meetings of the Governor and Coun=cell and of the Assemblys and to keep an exact Register of all their proceedings Acts and orders and so forth And Whereas the said Edward Bertie is since dead whereby the said Letters Patent become legally and solely vested in the said John Hammerton Wherefore Know ye that I the said John Hammerton by vertue of the said Letters Patent do by these presents as fully as I can make and constitute William Simson late of London but now of South Carolina aforesaid Gent. to be Clerk of the Coun=cell in his Majestys said Province of South Carolina and him the said William Simpson I do in my room and stead make and consti=tute

constitute Clerk of His said Majesty's said Councill in South Carolina in the Room of Alexander Gordon lately discharged and displaced by His said Majesty's said Councill for male Practice and misbehaviour and him the said William Simpson do hereby direct and require to be present at all the meetings of the Governor and Councell in Councell and in the Upper House of Assembly and to keep an Exact Register or Journalls of all the proceedings Acts and Orders and to ~~as shall be given~~ follow all such Orders and directions as shall be given him the said William Simpson from time to time by His said Majesty's said Governor and Councell with all Fees perquisites and proffits belonging or appertaining to the said Clerk of the Council in the said province and to do all other Acts necessary and usually done by the former Clerks of the said Councell there given under my hand and seal this fourth day of July in the Year of our Lord 1753.

(sign'd) J. Hammerton

Sealed & delivered (being first duly stamped) in presence of (signed) W. Wotton, Bow Street, Covent Garden No. 9
W. Batterson, James Street, Cov^t Garden.

B.P.R.O. So Carolina B.T. Vol 27. p 427

(12 July 1753.)

To the Right Honble the Lords Commissioners of His Majesty's Treasury.

My Lords,

Pursuant to a Letter from Mr West your Lordship's Secretary dated the 6th of February 1752, We have taken into Our Consideration a memorial presented to your Lordships by Mr James Crokatt, Agent for the Province of South Carolina, praying that a sum of Three thousand pounds may be issued to him to be invested in Presents for the Indians bordering on that Province and Georgia; and having been attended by Mr Crokatt, and heard what he had to offer in support of his memorial; We beg leave to acquaint your Lordships

That it does not appear to Us, that any particular Sums of Money have at any time been granted here for this service before the year 1748 when His Majesty was graciously pleased upon a Representation of the dangerous situation of the Province with respect to the Indians and the necessity there was of rewarding them for their services during the War, to order Three thousand Pounds to be

be issued for Presents to the Indians bordering thereupon, and also a further sum of Three thousand Pounds for the like purpose the next Year. Antecedent to this Period of time the making Presents to the Indians and supporting the other necessary expences attendant thereon was a Service, which the Province had always readily and chearfully made provision for, when ever necessity required it. And as it appears from the Representation of His Majesty's Governor and an Examination of the Accounts transmitted by him, that the Province is in a far more flourishing and Improveing State than it ever has been at any antecedent Period, We see no reason for complying with the Prayer of the Memorial, so far as relates to South Carolina, and the rather as it will consequentially open a Door for Demands of the like kind from the more Northern Colonies, where the making Provision for Indian Service, except in time of imminent Danger, has always been defrayed out of the money raised in the Colonies themselves, altho' the Service is of equal Utility to the Interest and Security of all His Majesty's Colonies in General.

As to that part of the Memorial which

which relates to the Province of Georgia We cannot take upon Us at present to give an Opinion upon it. The preserving the Friendship of the Indians bordering upon that Southern Frontier is certainly an Object of great importance, and the Circumstances of that Colony in it's Infancy may make it necessary, that the Expence of Presents for them should be defrayed here, but as to the sum proper to be given for that Service, and in what manner it shall be issued and disposed, these are points which must be considered when it is known what Plan of Government shall be thought proper to be settled.

We are
My Lords
Your Lordships
most Obedient and
most humble Servants
Dunk Halifax
J. Grenville.
Fran: Fane.
H. Fox.

Whitehall
July 12th 1753

B P R O South Carolina B T Vol 7 K 86

South Carolina July 30th 1753

My Lords

About a month ago I sent Your Lordships my observations upon my Instructions, as well the general ones as those relating to Trade & Navigation. I also sent Your Lordships other letters giving an Account of Indian affairs, and at the same time I transmitted the transactions between King Malatchi and all the Headmen of the Creek Nation and this Government as they had passed about three Weeks before, and I acquainted Your Lordships that there were some matters mentioned by the Indians that required Your Lordships particular notice as they appeared to me to be of great importance to the Peace of this Province and of Georgia, I mean the Lands said to be convey'd by the Indians to Mr Bosomworth and this matter was not only urged in Publick, but pressed much more in private, and not only was I pressed by King Malatchi who is her near relation but by every other Headman, some of whom had been drawn in as they alledged by Doctor Graeme one of the Council of Georgia to sign a Conveyance of these Lands to the Trustees, but they absolutely

disavow

disavow their knowing of any such Conveyance, but with one voice affirm that when Doctor Græme desired them to put their marks to a paper he acquainted them that he only wanted to know the number of Headmen and what Towns they belonged to that he might apportion the Presents he had brought up accordingly, This Transaction of his, whatever it was, was it seems in one of the upper Towns and none of the lower Nation ever heard anything of the matter, altho the Lands in question lay nearest them, and among Indians, Lands are generally deemed to belong to that part of the Nation next to which they lye, and I remember when this Province purchased some lands from the Cherokees for the use of His Majesty we treated only with the lower Towns, but whether all the Nation look upon themselves in such cases as bound to ratify what is done by a part of the Nation only, without the approbation or privity of the rest, I shall not take upon me to say. I have heard that the Headmen over the Hills look upon that purchase of ours, as void, they who are the principal part of the Nation never having consented to the Sale, nor ever been consulted about it, nor received any part of the Price

I

I am well acquainted with Malatchi's Temper and with the influence that he has over the whole Nation I know by experience how inflexible he is naturally, but perhaps the French, who pay great Court to him may have endeavoured to irritate him in the present Case; for both he and all the Headmen seem determined.

Soon after the Creeks left Charles Town the Headmen of the Cherokees arrived, and when the several conferrences with them can be copied they shall be transmitted for Your Lordships perusal. In the meantime I have the pleasure to acquaint Your Lordships, that they agreed to the Peace with the Creeks and in the strongest terms declared their firm Attachment to the British Interest, & their intention to live in Friendship with the English, tho at the same time they did not scruple to say that they had rivers in their Nations that led to other Countries as well as to the English; They again earnestly pressed for a Fort to be built in or near their Lower Towns and accused me with breach of promise for not having done it before, All the Traders were examined, and unanimously declared their opinion that if a Fort was built this Fall, it would have the effect

effect to bring back the Indians from over the Hills to resettle the lower Towns, which they had deserted which would have the effect to give this Government a greater influence over the whole Nation, but that the People who still remain in the lower parts were determined never to plant there again unless a Fort were built, and if the Overhills People should succeed in their endeavours to draw them to settle with them, the Traders are of opinion that it never will be again in the power of this Government to build one. I have by this Conveyance transmitted the Journals of the Council and Assembly, and also the Laws passed last Session they are chiefly Laws for Bridges or Roads where they were wanted, and my reasons for passing them sufficiently appear in the Preambles. As the Militia Law was near expiring I gave my Assent to a Bill to continue it 2 Years longer and I used my utmost endeavours both with the Council and Assembly that the alterations proposed by Your Lordships might be made but I am of opinion they never will be prevailed upon in any such Bill to assent to the Governors power of carrying the Militia out of the Province, however as we were told that a Bill of that nature was to be under the

the consideration of the British Parliament it was thought advisable to wait the event of such a Bill & to continue the Militia Laws at present for two Years longer but to the Bill commonly called the Tax Bill I did not give my Assent for many reasons, but chiefly because all the Creditors of the Publick were thereby obliged to receive the several Sums justly due to them in Spanish mild p^s of 8/8 at the rate of 32/ Currency p piece Whereas they pass Current in all payment here for no more than 31/ they might pass for 34/6 by the Act the 6th of Queen Anne for ascertaining the rate of Foreign Coins in Her Majestys Plantations in America for by the Proclamation they are to pass for 6 Shillings Currency, commonly called Proclamation money which is equal to 4/6 Sterling now One pound Sterling by the said Law or Tax Bill, is declared to be equal to £7 of our Currency and consequently 4/6 to 31/6. I acknowledge that last Year by a mistake in the Calculation they were to be received at 31/10 but this Year they wanted to pass them at 32/ with their Eyes Open however I am hopeful that most of them seem to be sensible of their Error as I have acquainted them that it is out of my power to give my assent to a Law that is directly opposite to a British

British Act of Parliament, and should I do so it would be Null and void in itself

I am with the greatest Respect
My Lords
Your Lordships
Most obedient and
Most humble Servant
James Glen

(The Lords of Trade)
Recd Sepr 15th } 1753
Read Apr 6 } 1754

B P R O South Carolina B T Vol 17 K 87

[30th July 1753]

An Account of the Presents Granted to His most Gracious Majesty for the use of the Indians Contiguous to and in Alliance with the Province of So Carolina and Georgia ——— The Ships and Masters names, by whom, and the times when they were received in Carolina, and the Indians to whom they have been given in Pursuance of His Majestys Directions and the Sorts and Quantitys of Goods remaining on hand in the Ware House of the Commissary General on the 8th day of March 1753.

Recd with Mr Glen's Letter of 30 July 1753

Recd October ye 18th } 1753
Read April 5 } 1754

Great Seal of South Carolina taken off f S G.

B P R O South Carolina B T Vol 17 K 89.

Richmond Sept 11th 1753

Sir

I was in hopes of having had the pleasure of waiting on you personally with the inclosed letter from the Gover^r of South Carolina to the Right honourable the Lords Com^rs for Trade and Plantations but have been prevented since I saw you with an indisposition of body, & therefore I take the liberty of sending the letter by my Servant and hope you will be so good as to take the earliest opportunity of laying it before their Lordships, as a part of it which I am informed it contains relating to the building a Fort among the Cherokee Indians is a matter of high Concern to the Peace and Safety of his Majestys Province; and the effectual Securing those Indians altogether in his Majestys Interest, and thereby preventing the inroads of the french and northern Indians thro' the Cherokees to our back Settlements. As I have had the honour to be several Years of His Majestys Council of that Province I can of my own knowledge speak of the importance of that Work, and of the great desire the Cherokees have to our building forts among them; of the promises that have been made to them on that

head

head; And the inabilities they have declared themselves to be under of keeping out the french Indians without such Forts; and the upbreidings they have made to the Gover.r for not doing it, and therefore I humbly hope their Lordships, from their known Zeal for his Majestys Service, and their readyness to do every thing that may promote it, will be pleased to give this Matter its due consideration; as I know of nothing of more imediate concern to His Majestys Interest, in that part of the World, and the Security of that Province than this, unless it be that of fortifying the Province in general.

I hope Sir I am not irregular in this address to you, if I am my being a Stranger in England, and unacquainted with the form of proceedings in the Office will I hope plead my excuse, And as I intend by no means to offend I shall upon the first hint correct the form of this application, and shall think myself very much obliged to you my good Sir for your advice therein, But as I have rec.ed a letter from the Gover.r wrote by the advice of the Council wherein I am desired to attend their Lordpps upon any application that may be made to his Majesty on the part of the Province I could not consistent with the

honour

honour I owe to the Recomendation of the Govr. Council and the Zeal I have for his Majestys Service Say less on an affair which I think of such importance to it.

I shall be ready to attend on their Lordpps when ever I receive the honour of their Comands And am

Sir

Your most obedt. Humble Servt.

Cha. Pinckney

Jno. Pownell Esqr.

Recd. Septemr. 15 } 1753

Read April 5 } 1754

B P R O South Carolina B I Vol of R 88.

S° Carolina Oct.r 25th 1753

My Lords

In my last Letter to Your Lordships I acquainted you that I had given my assent to several Acts which were at that time transmitted together with my reasons for passing them but that I had refused my Assent to the Bill which annually passes for payment of the Officers Salaries and the other Creditors of the Public and is commonly called the Tax Act. My reason for doing so was because it gave a greater value to foreign Coin than is allowed by Queen Annes Proclamation and is contrary to the Act the 6th of that Reign as well as contrary to my Instructions but as the Public Credit suffers greatly whenever that Act does not pass as as many people who have dependance upon it are greatly distressed I spared no pains to convince Gentlemen of their error. I then Prorogued the General Assembly and issued a Proclamation summoning a new Meeting at which Meeting they passed a New Bill not subject to these Objections and to it I gave my Assent.

This present Letter is written in the Woods above two hundred miles from Charles Town on my way

to

to the Cherrockee Nation where I propose to build a small Fort this I have been sollicited to do for seven years past by the Indians. I have by the advice of the Council and at the desire of the Assembly frequently promised the Indians that I would do it, but the Assembly would never enable me to perform my promise, they once voted about two hundred Pound Sterling and now a Sum less than five tho I am of opinion that above double that Sum will not be sufficient but as the Council have unanimously advised me to build it this Fall I have undertaken to do it. I did it perhaps the more readiely as the Indians frequently accused this Province of breach of Promise and this they did both in their Speeches and Letters and in a late Letter to Mr. Dinwiddie Lt. Gov.r of Virginia they have this expression that they find that what the Gov.r of Carolina tells them is lies

Before the Council advised me to take this step they examined the Traders and they all agreed that unless it were built this Fall it would never be in the power of this Government to do it again for that all the lower Town Indians declared that they would never plant more on this side of the Mountains, unless

less it were built, but would one and all go over.

I have taken the liberty to enclose for Your Lordships perusal the Copy of a letter which I have written upon this occasion to one of the Gentlemen of the Council and I have the honour to be with the greatest Respect

My Lords

Your Lordships

Most Obedt & most

humble Servant

James Glen

(Inclosure)

Copy N, 8br 25th 1753

Sir

Altho I did not at first propose to go further than this place, yet from former Experience I knew that I undertook a long fatiguing expensive and if not a dangerous, a disagreeable Journey and yet I have been always of opinion, that it is the Duty of every Gentleman in my Station to visit those remote parts of his Province, as frequently as possible for by Sleeping in the Woods or in Houses infinitely worse,

and

and by seeing the Circumstances of the people he will have a fellow feeling of their Sufferings, He will have a more lively sense of their Grievances, than can possibly be conveyed to him by any written Representation and will consequently be readier to redress them or to find some Remedy It is true their Lands are good, and when cleared yield plentifull Crops of Corn, at least they have done so this year, some of them also have good Gangs of Horses, many of them have large Herds of Cattle and Hoggs and all of them abound in Children, but none of them bestow the least Education on them, they take so much Care in raising a Litter of Piggs, their Children are equally naked and full as Nasty, The Parents in the back Woods come together without any previous Ceremony, and it is not much to be wondered at that the Offspring of such loose Embraces should be little looked after, but were they willing to become, shall I say, Christians, they have it hardly in their Power, for there is not a Minister within a hundred Miles of them, so that I am affraid others must answer for their Ignorance and Crimes. Saxa Gotha and Amilia have been long Settled Townships; in Emilia there are near a hundred and fifty Militia who constantly

muster

muster and who pay Taxes equally with the other Inhabitants, what Reason can be assigned for refusing them a Minister. its certainly great Injustice and the hight of humanity but the people amongst whom I am at present are still more to be pitied, as they have less Commerce with Charles Town, they are less civilized their Situation is near the Indian Country, and they differ little from them in manner the French might call them proper enough Des Sauvages; It will hardly be credited by the Gentleman of the Council that there are some with me at present of fifty years of Age, and have never seen a Church, a Minister a Ship or a great Gun. Many of them have with Tears represented to me the Difficulties that attend their being obliged to go to Town for the Warrants for their land, they are discouraged from clearing of them, least others less industrious, should take the advantage of their Labour, and have them Surveyed before they are in any Capacity of taking such a Journey and paying the Fees, for as they dare not for that reason cultivate the Lands, they are thereby disabled to take any step to make them their own, but most of the Evils that I have mentioned, I hope we shall

shall apply a Remedy to against my Return what follows will be more difficult to cure Tho it be in my opinion an Intolerable Grievance, that is that they should be dragged two or three hundred Miles to attend the Courts at Charles Town for every slight offence or small Debt, and I am morally certain that there is no person in the Province be his profession what it will but must wish that this heavy burthen with which these people are really oppressed was removed. When they are sick which I am affraid in those out and new parts is frequently there they must Lye and Languish without help or Comfort, no Physicians either for Soul or Body when they get well they must return to work in the Woods, all which they submit to without repining, but they complain with one Voice, that their being compelled to come to Charles Town is grievious to them; Many of them who intended to have remained, are upon the Wing and neglect at present to do anything for themselves, but I am hopefull my arrival amongst them may induce them to continue with us, at least they will for some time longer return to their Labour and defer their Departure, till they know what Truth there is in the Reports that have prevailed here

since

since the arrival of Gray the Quaker in Georgia; it seems he gives out that he has procured for the people of Georgia an Exemption from Quit Rents & Taxes for fifteen Years, and that during that Period of time no Creditor will be allowed to Sue there for any Debts or Demand of what Nature soever or wheresoever contracted, These Reports I have contradicted and tho a person upon the least Reflection might see the absurdity of them, yet as some are ready enough to give Credit to what they wish may be true, they have done much mischief, for they distract the minds of the people and make them neglect their necessary work here. A Brother of this Grey came sometime ago from the Northward and is Settled in Georgia, and has lately, that is within this Month sent for several of the principal Cherokee Traders to come to Georgia, he proposes to enter into Partnership with them and to drive the Trade entirely and directly from that Country; At the same time the people of Virginia are trying to cut us out of it, and Mr Gowdies informs me that there are two or three Virginia Traders in his Town of Telique at present, and in the over Hills Towns; and that they endeavour to creat Confusion I think I know the Nature of Indians, of the Cherokees in

in particular, as well as either the people of Georgia or Virginia, and I greatly fear, that by the present Management that Nation will be in time entirely indifferent about any of the British Provinces and the Trade will be lost to Great Britain; The most likely way to preserve it will be this Fort that I propose now be built, but upon a nearer view of things, I already see it cannot possibly be made for double the Sum agreed upon by the Assembly nor for less than a thousand pounds Sterling; I was in hopes to have prevailed upon Mr Stiel and Mr Mercier to have undertaken the building, and I wrote to them both for that purpose leaving my Letter to Mr Stiel open for Mr Merciers perusal, and desiring that at all Events they would engage about fifty people in and about the parts where they Lived to work at ye Fort, Mr Mercier returned me Mr Stiels Letter with an account of his Death and told me that he would do what he could, but when I came that length, he had neither got a Single Man to go, nor brought one barrel of Flower or Bisket, I had then passed Orangeburgh and Amelia Townships, and consequently it was too late to procure either Men or Provisions from thence, and as I found by Mr Crell and others that none

none could be got in or near the Congarees. I was affraid that the Assurance that I had given the Council that a Fort should be built this Fall in the Cherokees, would come to nothing at last however as I had also written to Captain Francis to procure as many hands also about this place, and as I heard that their Wheat had not failed them in those upper parts as it had done below, and as he had written to me that he would do all in his Power, I was determined to proceed so far, and here I have got almost as many Men as I wanted, for with the Number of Soldiers that will work and the people from hence, I shall have about one hundred Hands at work Daily, I give them fifteen pound pr Month from the Day of engaging to go till they return, so that a Months pay will be lost, and yet they all say, that if it were not that they see the trouble and Fatigue that I have taken, none of them would have gone for three times the Sum; I find therefore an absolute Necessity of proceeding as both Capt Demere and McKay are of opinion it will not only need my Presence, but even my constant encouragements to engage any of their Men to work, and Francis's people declare that where I go they will follow, but not one

Foot

Fort further, but the greatest Difficulty I forsee will be with the Indians, the Situation of these people is entirely altered from what it has been for Seven Years past, during which time they have been praying for this Fort, the Old Warrior Keowie is lately dead and the good Warrior of Estatoe is also dead, these two had the entire Management of the Lower Towns, they were always the most pressing for a Fort, and I am sure they would have made matters smooth and easie, but the Over Hills people, who have now the great Sway in every Part of the Nation are very averse from having any Fort; they are courted by both Virginia and Georgia Traders, they are the easier about Carolina; it is the Interest of all the Traders over the Hills to prevent it, for it may draw back the Indians to resettle the Lower Towns; however as that very Circumstance would restore the Ballance to the Nation as it would render the over Hills people more tractable, and as it would give this Province much greater Influence over the whole Nation, nothing shall be Omitted by me, that may contribute to such good Ends.

I took Care to give Directions about every thing that I could forsee might occurr in my absence

absence, and I was in hopes to have been back before the first Tuesday in November, but as that is now impossible the people that attend the Council that Day may be sworn as to the Number of persons in their respective Families for whom they pray Lands, which will save them another Journey to Charles Town, and by leaving Directions with the Messenger of the Council, their Warrants may be sent to them as Opportunity offers after my Return

And as I shall not be back in time to celebrate His Majesty's Birth Day. I shall observe it all possible Demonstration of Joy wherever I happen to be I must therefore desire the favour of you to get from the Secretarys Office a hundred pounds Currency of my Fees to be given by you to Mr Garden to be distributed by him amongst the Poor, and Thirty Pound to be given to the Provost Marshal to be distributed amongst any Poor Prisoners and twenty Pounds to be given to any of the Commissioners of the Work House for such unhappy people as are confined there upon His Majestys Birth Day

Recd Jany ye 5th } 1754
Read April 5 }

B.P.R.O. So Carolina B.T. Vol. 27. p. 431.

(21 Nov. 1753)

To Matthew Lamb Esqr

Sir,

I am directed by the Lords Commissioners for Trade and Plantations to send you the Seven inclosed Acts passed in the Province of South Carolina in April 1753, and to desire your Opinion upon them in Point of Law as soon as conveniently may be.

I am
Sir
your most obedient Servant
John Pownall
Secry

Whitehall
Novemr 21st 1753

An Act to continue an Act for the better regulating the Militia of this Province, and for repealing the former Acts &c. &c.

An Act for securing the Payment of the Sum of Two thousand & five hundred Pounds to the Honble Hector Berengerde Beaufin Esqr &c. &c.

An Act for appointing and Impowering Commissioners to make the Watersee River Navigable &c. &c.

An

An Act for making Black River Navigable &c.

An Act for appointing Commissioners to build a Bridge over the Pond in the Four holes Swamp &c.

An Act to Impower the Commissioners who were appointed for building a Church in the Parish of Prince William in Granville County, and the Commissioners who were appointed for building a Church in George Town, and the Commissioners who were appointed for building a Chapel of Ease in the Parish of St James Santee in Craven County to erect & set up Pews &c.

An Act to exempt the Inhabitants of the Lower District of the Parish of St James Santee in Craven County from Working &c.

B. P. R. O. South Carolina B. T. Vol 17 K80

(11th December 1753)

To The Right Honoble the Lords Comissioners for Trade and Plantations

My Lords

In Pursuance of your Lordships Commands signified to me by Mr Hills Letter wherein you are pleased to desire my Opinion in Point of Law upon the following Acts and two Ordinances passed in South Carolina in May 1752 I have perused and Considered the same (vizt)

1. An Additional Act to an Act of the General Assembly of this Province Intituled An Act for preventing as much as may be the spreading of Contagious Distempers.

No Objection to this Act

2. An Act for the better preventing excessive and deceitful Gameing.

No Objection to this Act

3. An Act for preserving Peace and for continuing a good Correspondence with the Indians who are in Friendship with the Government of South Carolina and for Regulating the Trade with the said Indians

No Objection to this Act

4 An

4. An Act for appointing Comissioners to stamp and signe the Sum of Twenty Thousand Pounds in Paper Bills of Credit to be Exchanged for such of the Bills of Credit as were lately Stamped upon bad Paper and are become Obliterated torn and defaced

No Objection to this Act

5. An Act for Appropriating the Dutys Imposed by Law on Goods Wares and Merchandize Imported into and Exported out of the Port of George Town Winyaw for the Term therein mentioned towards finishing the Church Erected in the said Town

No Objection to this Act

6. An Act for laying Buoys and Erecting and Supporting Beacons or Land Marks near the Bar of the Harbour of George Town Winyaw and for Building and Repairing one or more Pilot Boat or Boats to attend the Bar of the said Harbour and for the better Settling and Regulating the Pilotage of the said Harbour and for obliging such Vessels to go to the said Port of George Town to pay Powder Duty.

No Objection to this Act

7. An Act for Appropriating the Dutys Imposed by Law on Goods Wares and Merchandize Imported into

into and Exported out of the Port of Beaufort
Port Royal for the Term therein mentioned towards
Building and keeping in repair a Pilot Boat or Boats
to attend the Bar of the Harbour of the said Port
And for the better Settling and Regulating the Pilot-
age of the said Harbour And for Appointing a
Comptroller and a Receiver of the Country Dutys for
the said Port and for obliging all Ships and other
Vessels trading to the said Port to pay Powder Duty

No Objection to this Act

8 An Act to Revive and Continue the several Acts
of the General Assembly of this Province therein
mentioned.

No Objection to this Act

9. An Act for Raising and Granting to his Majesty
the Sum of £48945 19s 7¼d and for Applying the
Sum of £6875. 16s. 6d being the Surplus of Taxes and
the Ballance of several Funds in the Publick Treasury
making together £55821. 16s. 1¼d for defraying the Charges of
this Government for one year Commencing the twenty
fifth day of March in the Year of our Lord 1751
Inclusive and ending the twenty fifth day of March
1752 Exclusive

No Objection to this Act

10 An

10. An Ordinance for appointing a Comptroller and a Receiver for the County Dutys for the said Port of George Town Winyaw.

No Objection to this Ordinance

11. An Ordinance for appointing another Country Waiter for the Port of Charles Town and for Appointing a Country Waiter for the Port of Beaufort Port Royal and a Country Waiter for the Port of George Town Winyaw

No Objection to this Ordinance

Upon Perusal and Consideration of the before mentioned Acts I have no Objection thereto in Point of Law and am

My Lords

Your Lordships

most obedient

Humble Servant

Mat Lamb

Lincolns Inn

11 December 1753

Recd Decr ye 18th } 1753

Read April 6 } 1754

B P R O South Carolina B T Vol 17 K 51.

(12th December 1753)

To The Right Honoble the Lords Comissioners for Trade and Plantations

My Lords

In Pursuance of your Lordships Commands Signified to me by Mr Pownall's Letter wherein you are pleased to desire my Opinion in Point of Law upon the following Acts passed in South Carolina in April 1753 I have Perused and Considered the same (vizt)

1. An Act to Continue an Act Intituled An Act for the better Regulating the Militia of this Province and for Repealing the former Acts for Regulating the Militia and for Repealing An Act Intitled an Act for the further Security and better Defence of this Province

No Objection to this Act

2. An Act for Securing the Payment of the Sum of £2500 to the Honoble Hector Beringer de Beaufain Esquire and the Sum of £3500 to Gabriel Manigault Esquire their respective Executors Administrators or Assigns with Interest at the Rate of Six Pounds per Centum per Annum out of the Fund Appropriated to the use

use of the poor Protestants coming from Europe to Settle in this Province and the said Sums having been lent by them to Supply the Deficiency in the said Fund

No Objection to this Act.

3. An Act for Appointing and Impowering Comissioners to make the Wateree River Navigable and for laying out and making a Road from the upper Settlements near the Catawba Nation on the North East Side of the said Wateree River to the Place on Santee River commonly called Beards Ferry and from thence to the Road leading from the Congrees to Charles Town.

No Objection to this Act.

4. An Act for making Black River Navigable from the Western Boundary of the Township of Williamsburg down to the Tide Way as far as the Place commonly called the Narrows.

No Objection to this Act.

5. An Act for Appointing Comissioners to build a Bridge over the Pond in the four Holes Swamp called Gibbes Pond and to lay out make and keep in Repair a Road to and from the said Bridge as conveniently as may be into the Orangeburgh Old

Road

Road from the Head of the Path leading from Dorchester to Izards Cowpen.

No Objection to this Act

6. An Act to Impower the Comissioners who were Appointed for Building a Church in the Parish of Prince William in Granville County and the Comissioners who were Appointed for Building a Church in George Town and the Comissioners who were Appointed for Building a Chappell of Ease in the Parish of Saint James Santee in Craven County to Erect and set up Pews in the same and to dispose of the said Pews to enable them to raise Money for the finishing of the said Churches and Chappell respectively

No Objection to this Act

7. An Act to Exempt the Inhabitants of the lower District of the Parish of Saint James Santee in Craven County from working on or contributing toward any Repairs to be made to the Road or Causey leading over Lynches Island

No Objection to this Act

Upon Perusal and Consideration of the before mentioned Acts I have no Objection thereto in Point of Law and am

My

My Lords
Your Lordships
Most Obedient
Humble Servant
Mat Lamb

Lincolns Inn
12th December 1753

Read Decemr 18th 1753
Read April 5 1754